ARCHIVES OF MARYLAND

XXXVI

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY

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ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

JULY, 1727–AUGUST, 1729

WITH AN APPENDIX OF

STATUTES PREVIOUSLY UNPUBLISHED

ENACTED 1714–1726

PUBLISHED BY AUTHORITY OF THE STATE UNDER THE DIRECTION OF THE
MARYLAND HISTORICAL SOCIETY

BERNARD CHRISTIAN STEINER
Editor

BALTIMORE
MARYLAND HISTORICAL SOCIETY
1916

The Lord Baltimore Press
BALTIMORE, MD., U. S. A.

Rooms of the Maryland Historical Society,

Baltimore, *October* 1, 1916.

To the Maryland Historical Society:

Gentlemen:

We have the honor to submit the Thirty-sixth Volume of the Archives of Maryland, consisting of the Proceedings and Acts of the General Assembly of the Province from July, 1727, to August, 1729, with an Appendix of Statutes from 1714 to 1726, hitherto not published in the *Archives*.

Respectfully,
Samuel K. Dennis,
Bernard C. Steiner,
John M. Vincent,
Committee on Publication.

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PREFACE.

In February, 1883, the Publication Committee chose William Hand Browne, M. D., as editor of the new series to be entitled the Maryland Archives, in which should be included the records of the Province and of the State, during its earlier years. Scholars know how valuable was the service which Dr. Browne rendered as editor of the thirty-one volumes which appeared during an editorship lasting to the end of his life. His minute and encyclopaedic knowledge of Maryland history, his careful and methodical manner of work, did much toward rescuing from obscurity the events which occurred during the early years of Maryland history and toward preserving the records of those early years from any risk of destruction. When he died in 1912, the Society naturally chose as his successor, that ripe and assiduous scholar in the field of Maryland Provincial History, Clayton C. Hall, A. M., who was then Chairman of the Publication Committee, and who had served upon that Committee since 1890. We hoped that his tenure of that office might be a long one, and the editorship of the three volumes which appeared under his auspices showed how wisely he had been chosen to prepare them.

It was the privilege of the present editor to meet Dr. Browne in the autumn of 1888, and to become a member of his class in the Scottish Poets at the Johns Hopkins University. He was not only my teacher, but also he became my friend, and during the years from 1897 to his death he conferred often concerning problems of editorship with me as a member of the Publication Committee. My friendship with his successor, Mr. Hall, was an hereditary one, for it was due to his initiative and investigations that my father, Lewis H. Steiner, M. D., then State Senator from Frederick County, became interested in and carried through the Legislature the amendment of the State Seal and the return to the Provincial one. During Mr. Hall's editorship we were accustomed to interchange opinions on the proper course to be taken, whenever any question arose which he did not wish to decide without conference. In the early days of May, 1916, at Mr. Hall's request, I went to see him at his country home, and was then told by him that his ill health had caused him to decide that he would resign the editorship of the *Archives,* and that if I would accept the position he would be glad to make the suggestion in his letter of resignation that I be chosen his successor. Closely following this interview, Mr. Hall's health failed rapidly and he died before the close of the month.

This personal reference is made to show how continuous has been the editorial policy of the *Archives* from the beginning to the present day. The present editor, furthermore, had the care of preparing volume 18 of the *Archives,* containing the Revolutionary muster rolls, and so is not now taking up the work for the first time. That he may carry on the series as successfully as his predecessors and make the future volumes as useful to students as the former ones is the hope with which the work has now been assumed.

The method of publication has been in general the same as in the past. A new typography places a little more matter upon a page without making it difficult to read. The days of the session have been added as side notes for greater clearness. The topical index has been constructed so as to show the session in which the various subjects were discussed, and the legislative history of every act. Messages and other documents occurring in the Proceedings of either house are printed only once, in the Upper House Journal, a reference thereto being made in the Lower House Journal at the proper place. This enables much more material to be placed in a volume and will not seriously inconvenience scholars.

In general, we possess good manuscripts for this period. The Lower House Journal for 1727 is an exception. Of it we possess two fragments, the one contains the first and last few pages of the Proceedings; the other lacks the pages altogether and, at some distant period, was used as a base for a flower pot, the grains of earth from it still adhering to the paper in some places. The paper of most of the upper half of the manuscript has, in consequence, rotted away and entirely disappeared, so that the manuscript is quite fragmentary.

In 1718, Andrew Bradford, in Philadelphia, printed for Evan Jones, the Annapolis bookseller, a Body of the Laws, and in 1719 the same persons prepared and printed the Session Laws. In 1726, William Parks settled in Annapolis and published his compilation of Statutes. This he followed by an annual publication of Session Laws beginning with 1727. In these publications the text of no private Acts is included. Both of the previous editors failed to consult these sources. The manuscript volumes which contained the Statutes of the period have been lost, and in the recent volumes of the *Archives* only such Statutes are printed as were in force in 1765, and were, therefore, accessible in Bacon's great compilation. An examination of these additional sources discloses the text of a large number of additional Statutes, which are printed as an appendix to this volume. Our thanks are due to the Library of Congress for permission to have photostatic copies made of the volumes of Statutes which are in that Library.

The period which is covered in the volume is one of considerable interest. The controversy as to whether the English Statutes extended to Maryland was at its height. The perennial struggle over the regulation of the officers' fees was at an acute stage. The great staple of the Province, tobacco, was in a depressed condition and earnest efforts were made to regulate it. The Session of 1728 provided for new County Seats for Calvert and St. Mary's Counties and gave them their present names: Prince Fredericktown and Leonardtown. Among the Acts of the Session of 1729 is one incorporating Baltimoretown on the north side of the Patapsco River, thus beginning the history of that great commercial emporium and manufacturing centre which now contains about half the population of the State. The vice of local legislation had already begun and we find an Act for the destruction of bears in Somerset County. "Languishing debtors" who are to be set free, deeds to land which need confirmation, naturalization of individual foreigners, take up part of the time of each session. The defects in the testamentary law receive consideration, the importation of convict felons is restrained (see Sollers' "Convict Laborers in Maryland" in 2 Md. Hist. Mag. 33), new parishes are formed, parish boundaries are changed, new parish churches are authorized. In the session of 1729, considerable acrimony developed between the two Houses over the bill concerning deer, and also over the amendment of the testamentary law; and the proper deference of one body for the other received discussion which was characterized by some bitterness. A curious question was then raised as to the right of the Proprietary to veto bills.

Benedict Leonard Calvert, the second son of Benedict Leonard Calvert, the third Lord Baltimore, and his wife, the Lady Charlotte, daughter of the Earl of Lichfield, and grand-daughter of Charles II, was born on September 20, 1700, and died, unmarried, June 1, 1732. The chief sources of information as to him are articles in the Maryland Historical Magazine, Vol. 3, pp. 190 and 283. He was a genial, studious, highminded man of upright life and warm friendships, among which was a very strong one for Thomas Hearne, the antiquary, who was twenty years his senior. (References to Calvert in Hearne's Journal as printed by the Oxford Historical Society are reprinted in Maryland Historical Magazine, Vol. 1, p. 274; Vol. 3, pp. 190 and 283 ff; Vol. 10, p. 373 ff, and Vol. 11, p. 283 ff.)

In 1717, Calvert went to France and wrote a letter to Hearne, on receipt of which the following entry was made in Hearne's Journal: "I preserve the letter out of the great respect I have for him, upon account of his quality, his virtues and his skill and diligence in antiquities. It is an addition to my troubles to lose the conversation of so accomplished a person." The two men had similar tastes, for Calvert was the only literary man and scholar in the whole Calvert pedigree. His letters show his charm and we may well regret that he was not spared for a longer life. He made the grand tour and his letters from Italy have been printed in the Suwanee Review (Vol. 17, page 161). As early as 1724 it had been proposed to send him to Maryland as Governor of the Province, but the appointment was not made for three years more. His commission was dated March 24, 1726/7, and he arrived in Maryland on July 3, 1727, when he took the oath of office. He continued as Governor for four and a half years, and was succeeded by Samuel Ogle, whose commission bore date September 16, 1731, and who took the oath of office on December 7, 1731. Soon after Governor Calvert's arrival he fell out with his predecessor, Charles Calvert, the Commissary General, with reference to the emoluments of their respective offices, as a result of which differences the latter was removed from office and succeeded by a younger brother of the Proprietary, Edward Henry Calvert, a jolly, careless youth. Edward Calvert came out to the Province as Commissary General and President of the Council, together with his wife Margaret, and arrived about the beginning of February, 1729. Governor Calvert did not long enjoy his brother's company, since he soon fell ill of consumption and died about the middle of 1730 (11 Md. Hist. Mag. 285). Only one letter written on Provincial affairs by Governor Calvert during his term of office has been preserved, and this letter, dated on October 16, 1729, and sent to his brother, the Lord Proprietary, is contained in the Calvert papers. (It has been twice printed: in 34 Fund Publications, page 68, and in 25 *Archives* (Council) 601.)

After Ogle arrived in the Province, he wrote Lord Baltimore a letter which is severe in its censure of Governor Calvert's administration, but it is difficult to see wherein he had done wrong, nor wherein his opinion was different from the Proprietary's, except that he was more firm in his opposition to the claims of the Penns (28 Fund Publication, 81).

As early as in the speech which opened the Session of 1728, Governor Calvert complained of his "frequent indispositions," and his health continually failed during the years which followed. He tarried in Annapolis throughout the winter after the conclusion of his governorship, and embarked for England about the end of April, 1732. He was not to see his native land, however, for he died of consumption while on the voyage, and was buried in the sea. His friend, Hearne, had tried to dissuade him from going to America, "but he urged as a motive the doing what service he could for the Family." We may well believe, however, that, when he came to Maryland, he devoted himself also to the good of the Province. By his will, made just before he left Maryland, he left one-third of his personal estate to King William School at Annapolis.

The controversy over the oath of a justice introduced the wider question as to the extension of the English Statute Law to the Province. To influence public opinion in this discussion, David Dulany wrote and William Parks printed, in 1728, a pamphlet entitled, "The Right of the Inhabitants of Maryland to the Benefit of the English Laws." (This was reprinted from the copy in the Society's Library as an appendix to St. George L. Sioussat's "English Statutes in Maryland" in Series XXI of the Johns Hopkins University Studies in Historical and Political Science for 1903.) In this monograph the author treats of the controversy, to which the text of the Assembly Proceedings gives many references. (In the same volume of the Studies is found Dr. Sioussat's "Economics and Politics in Maryland 1720–1750 and the Public Service of Daniel Dulany the Elder.")

We possess an amusing contemporary account in verse of the Session of 1729, in Ebenezer Cook's "Sotweed Redivivus, or the Planter's Looking Glass" (printed by Parks in 1730 and reprinted in Fund Publication, No. 36, of the Society). Cook's Elegy on the Hon. Nicholas Lowe, which appeared in the Maryland Gazette for December 17–24, 1728, is also reprinted in Fund Publication No. 36. Cook there signs his name with the title "Laureat," and one conjectures that Governor Calvert may have given him some right to such a title. Parks not only established about this time the Maryland Gazette, the first newspaper published in the Province, but also put his imprint, in 1728, on the first work printed in Maryland in a foreign language, the "Muscipula: The Mouse Trap, or the Battle of the Cambrians and the Mice," written in Latin by Edward Holdsworth and translated with notes by R. Lewis, who was a schoolmaster at Annapolis "who formerly belonged to Eton." The poem is prefaced by a laudatory dedication to Governor Calvert. (Muscipula has been reprinted in Fund Publication No. 36.) Lewis is also the author of a poem entitled, "A Description of Maryland" (printed in American Museum, Vol. 6, 1789, at page 413), addressed to Lord Baltimore in 1732. A copy of the original edition of Muscipula was sent by Governor Calvert to his friend, Thomas Hearne, with a letter, dated March 18, 1728/9, in which a description of the Province is given. (See 10 Hearne's Collections, 109, in Publications of Oxford Historical Society, reprinted in 11 Md. Hist. Mag. 283.) Hearne notes in his Journal the printing, in the newspapers for January 4, 1728/9, Governor Calvert's speech at the opening of the Assembly of 1728. (10 Hearne, 142 reprinted in 11 Md. Hist. Mag. 284.) Information in regard to legislation concerning the position of the clergy during Governor Calvert's administration may be found in 2 Hawks' "Ecclesiastical Contributions," 207 and Perry "Historical Collections Relating to the American Church," 262 to 311.

William Parks, the printer, issued his compilation of the Laws of the Province in 1726, with the following loyal dedication: "To the most Noble and Illustrious Lord, Charles, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, etc., as also to the Honourable Benedict Leonard Calvert, His Lordship's Brother, and Governour of the Province of Maryland, and to the Honourable the Upper and Lower Houses of the General Assembly of the said Province, this Collection of Laws of Maryland is most Humbly Presented, With all Dutiful Acknowledgement of Their Favour and Encouragement therein, by Their most Dutiful, And most Obliged, Humble Servant, William Parks." He followed up this publication by the series of pamphlets containing the Statutes passed at each session. The first of these Session Laws appeared in 1727, and soon afterwards the Lower House employed him to print its Votes and Proceedings. A copy of these for the Session of 1729, containing 58 pages, is in the Library of the British Museum.

Madox, in his "History of the Exchequer," wrote a prefatory letter to Lord Somers, in which we find these words: "No doubt the publick records of the crown and kingdom are the most important and most authentick of all. And these are the foundations which sustain the whole fabrick of this History. A foundation solid and unshaken." This foundation the Maryland Historical Society has been constructing in the publication of the *Archives*. That we have the material for this foundation is due in no small measure to the action of the General Assembly, under the inspiration of Governor Calvert, at the sessions, the proceedings of which are included in this volume. Through his initiative a large number of volumes of the records was ordered to be copied, and a suitable repository for the records constructed. These actions furnish a strong reason for gratitude from the people of Maryland to the memory of Governor Benedict Leonard Calvert.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, October 10–October 30, 1727.
Being the Fourth Session of the Assembly, Elected in 1725.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

BENEDICT LEONARD CALVERT,
Governor.

PROCEEDINGS

THE UPPER HOUSE OF ASSEMBLY,

October 10–*October* 30, 1727.

Maryland ss^t

U. H. J. p. 1
Calvert Papers No. 728
[A copy is found in Liber P U. H. J. No. 32]
October 10

At the General Assembly of the Province of Maryland begun and held at the City of Annapolis the sixth Day of October Anno Domini 1725 in the Eleventh year of the Reign of our Sovereign Lord George and in the tenth year of his Lordships the Lord Proprietary's Dominion &c^a And from thence Continued by Severall Prorogations and adjournments to the Tenth day of October 1727 in the first year of the Reign of our Sovereign Lord George the Second in the thirteenth year of his Lordships Dominion &c^a being the fourth Sessions of this Present Generall Assembly.

Present

His Excellency Benedict Leonard Calvert Governour

The Honble
Col° William Holland
John Hall Esq^r
Col° Rich^d Tilghman
Col° Matt Tilghman Ward
John Rousby Esq^r
Benjamin Tasker Esq^r
Nicholas Lowe Esq^r
Charles Calvert Esq^r
Members of the Upper house

Col° James Maxwell and Coll John Mackall from the Lower House acquaint his Excellency the Governour that there are a sufficient number of Members met to Proceed upon business, but that by the Death of Robert Ungle Esq^r they had no Speaker.

Coll Mathew Tilghman Ward and Benjamin Tasker Esq^{rs} were sent down to the Lower house to Administer the Oaths appointed to be taken to His present Majesty King George the second to the Severall Members of that House and Ordered that the Clerk of this House attend them.

They return and say that they Administred the said Oaths to the severall members then Present being in number forty one and that they all severally Subscribed the Oath of Abjuracon and Test.

John Rousby and Nicholas Lowe Esq^{rs} are Sent down by his Excellency the Governour to acquaint the Lower House that His Excellency requires their Attendance in the Council Room Immediately,

U. H. J. Who return and say they delivered their messuage

Whereupon the whole House attend on his Excellency, and he Requires them to return to their own House and make choice of a Speaker.

Col° James Maxwell and Col° Thomas Trueman Greenfield from the Lower House Acquaint his Excellency that they have made Choice of a Speaker.

And thereupon Col° William Holland and John Hall Esq^{r} are Ordered to goe down and acquaint the Lower House that his Excellency requires them to Attend in the Council Chamber to Present their Speaker for his Approbacon,

They return and say they Delivered their Message The whole House accordingly attend and present Col° John Mackall for their Speaker of whom his Excellency not only approved but Declares himself well pleased with their Choice.

After which his Excellency is pleased to open the Session with the following Speech Viz.

p. 2 Gentlemen of the Upper and Lower Houses of Assembly

The Decease of our late most Gracious Sovereigne Lord King George affords me the melancholy occasion to Condole with you the loss of the greatest and best of Kings to whose Vigilent and tender Care of his People Great Brittain owes the Preservation of its happy Constitution both in Church and State with all the other Blessings of Trade and Commerce Peace and Tranquillity both at home and abroad as much to the envy of all neighbouring Nations as to the Glory of our own; Had these Inestimable blessings been only Transitory with our late Sovereigns Life Great Britain must have remained Inconsolable; But as they are inherent, to a Succession in the Hannover Line they yet remain permanent to us, by the Immediate Accession of his Present Majesty to the Throne. A Prince whom Great Brittain hath not only Recognized as the Lawful Successor to his Royall Fathers Throne but also as the True Inheritor of those numerous Royall and Glorious Vertues wherewith his Great Father did Adorn his Crown, His Majestys most Gracious Speech to both houses of Parliament with the Dutifull Addresses of the Lords and Commons in Return, best bespeak our nations present happiness and the pleasing View of its Continuacon by A Constant future Succession in his Majesty's Royal house and family such a prospect as this must be Grateful to every one that thinks and wishes as a true Brittain should. Wherefore I doe heartily Congratulate you all as such on this Just and Important Occasion.

I have Endeavoured to Express our Joyfull and Dutiful Sence of these happy tideings by Proclaiming his Present Majesty here U. H. J. in the most Solemn and decent manner Our Circumstances of time and Place could admitt off. Wherein I hope for your approbacon and likewise your Concurrance in an address to his Majesty to be Presented by our Lord Proprietary with our due Acknowledgments of the Divine blessing in his Majestys happy Accession to the Throne of his Ancestors.

Gentlemen, as I am now addressing myself to the Representative body of the People of this Province I cannot omitt the Return of my sincerest thanks to them for the kind Reception I have hitherto found in this Province, it has Imprinted in my mind the most favourable Ideas of a People Loyal to their King, Dutyfull to their Lord Propry and benevolent to my self; may this happy disposition towards Your King and Proprietary ever Continue among you, inasmuch as it will secure to you his Majesty's Royall Protection, and his Lordships kindest Indulgence on all occasions; as for myself their unworthy Representative here, I have had little time as yet to meritt your favourable Consideracon of me, But if a Perpetual Attachment to your Interest and uninterupted Endeavours for your welfare may Justly Intitle me to It, I hope not to be defeated of the Reward I have soe principally in my View the fair Opinion and Esteem of the good People of Maryland.

As you are now mett in Assembly to Consult the Publick Good, let the Service of Almighty God and the Honour of his holy Religion be your first and Chiefest Care, That true Religious Worship and the Vertues becoming the Profession of Christianity may be Established amongst us.

In the Consideration of your Civill Interest the Present Ill state of the Staple of this Province may require your utmost Attention, and happily some method may be found out to render it more beneficiall to us the Merchants at home Complain of our Shipping Tobacco soe late in the year and the Slavery imposed on their sailors p. 3 by being obliged to Role it from farr to the Watersides from hence they observe that their Ships bye here subject for many months to the Injury of the worm, Their sailors undergoe such Fatigue from the Excess of heat and labour, that if not lessened in number they are at least abated in their ability to work the Ships home, and that their Ships arrive on the English Coast in a Stormy and Dangerous Season, If these Inconveniences attend them in their Shipping they must in course entail others on us, Leaky Ships and bad Weather must Damage our Tobacco, want of able hands endanger the loss of it, and tho it arrive in Safety yet comes to a late Markett which is Generally a bad one, Your own Interest will Suggest to you better than I am able the proper Remedies to such evils.

Gentlemen you in your Several Countys have had the nearest

U. H. J. Opportunitys to observe how far the Assize Law (which is now Expired) has answered the ends proposed by it, I must indeed be of opinion in Generall that such a Law has or may be at least of great Ease to Evidences and Jurymen whose Attendance at Provinciall Courts must have heretofore been very expensive and Inconvenient to them.

The Act for regulacon of Ordinarys Expires likewise with this Sessions what reason induced you last Session to Continue it only for one year, I am at a Loss to Determine, Certain I am that such a Law when first Devised was Esteemed beneficiall to the Country. If you are of a Contrary opinion you will decline it and their Regulacons must Return to its more Antient Course

I cannot but highly Commend the Care that has hitherto been taken to Inspect and amend the Ill Condicon of our Publick Records latest Posterity who must reap the Chiefest benefitts from it will remember the present Age with Gratitude for that Security in their Estates and that soe Commendable a Work may be fully Perfected It may not be improper for a Committee of both houses to Inspect what the Commissioners have done therein this will give them a fair opportunity of receiving the Publick thanks for their fidelity and Care in discharge of their Duty.

As the new Copies may be fittest for Dayly use you will Consider whether a Separate Repositary for the old Records may not be proper to secure us from a total loss of all in Case of Fire or other unavoidable Accident.

I am sorry to find that the Journalls of both houses of Assembly are not in the same method for perpetuity as other Records are, they would be of the greatest and most necessary use to Posterity in as much as all Proceedings in Legislation are of the utmost Importance to the Publick it seems indeed to require the Recording of them otherwise then in Loose Paper and seperate Journalls Ruin and annihilation will sooner attend them in such Parcells than if they were transcribed into large and strong books without this precaution our Transactions in Assembly will be hereafter only known by uncertain Traditions. Whereas Records will speak for themselves and us and save our memorys from the Odium of so fatall a Neglect.

Gentlemen Thus have I premised what at Present Occurs to me worthy your Consideracon your own Vigilence for the publick good will I doubt not supply the rest I do Earnestly Invite you all to the pursuit of your real Interest avoid strife and Contention for of them comes no real proffitt to any, But be assured that such as Promote Generall Unity and Harmony amongst us render Service most acceptable to God, and most beneficiall to their Country; let not Jealousies or fears (the bane of all human Society) have place amongst you, Consider them as the direful Weapons whereby the Common

Enemy of Mankind can only destroy a happy People, and then I doubt not but you'll avoid both them and such as handle them, generally indeed for their own Private ends, tho under the specious pretence of a Publick Good. U. H. J. p. 4

From the Lord Proprietary you may ever expect what in Reason you can ask of him; he neither desires the Destruction of your Liberties nor of his own Prerogative; to me he gave this Just Rule for my Administration that Prerogative and Priviledge should have each their Due: to such wise Commands you need not doubt my strictest Obedience; His Lordships Interest is so interwoven with yours that I wonder Infatuation could ever rise so high in some mistaken People as to doubt his Lordships sincerity when he has so often declared that he will not be wanting on his part to make you an Easy and happy People to which desirable End he is also animated by more noble and Generous motives than that of self Interest; for as his Ancestors first occasioned and encouraged the Seating of this Province he would Immitate their Great Example by a perpetual Care and attendance towards its Wellfare and Prosperity.

After which Mr Speaker and the whole house withdrew Mr Justinian Jordan and Captain Waughop acquaint this house that they attend with Mr Michael Jennifer Clerk of the Lower House to see him quallified,

Whereupon the said Michaell Jenifer takes the Oaths to his Present Majesty appointed by Law and likewise Subscribes the Oath of Abjuracon and Test and then they withdrew.

Adjourned till to morrow Morning nine of the Clock.

Wednesday October the 11th 1727 October 11

This House met again according to Adjournment.

Present as yesterday

A message from the Lower House by Coll John Ward and Capt Robert Gordon viz

By the Lower House of Assembly October the 11th 1727

May it please your Honours

This House in order to Dispatch the Publick Business as much as in them lies have entred a Resolve to sitt from Nine of the Clock in the Morning till four in the afternoon and desire to know whether the time proposed be agreeable to your Honrs

Signed ꝑ Order M. Jenifer Cl. Lo. Ho

U. H. J. To which Message the following Answer is Prepared viz.

By the Upper house of Assembly October the 11th 1727

Gentlemen

Your Messuage this Day by Coll John Ward and Captain Robert Gordon signifyeing your Resolution of Sitting from nine a Clock in the morning till four in the Afternoon for the Dispatch of Publick business is well approved of by this House.

Signed ꝑ Order Geo. Plater Cl Up Ho.

Sent by John Hall Esqr

Captain John Rider and Mr Nicholas Goldsborough from the Lower House present Mr Benjamin Pemberton a member Elected for Talbott County in order for his Qualification

Who takes the several oaths to his Present Majesty appointed by Law and Subscribes the oath of Abjuration and Test. And then they withdrew.

Adjourned till to morrow Morning nine of the Clock

October 12 Thursday October the 12th 1727

Met again according to Adjournment. Present as yesterday with the addition of Philemon Lloyd Esqr

Colo William Holland attended by the rest of the members of this house present to his Excellency the Governour their Answer to his speech to both houses of Assembly in the Councill Room at the opening of the Sessions which is as follows Viz.

p. 5 To his Excellency Benedict Leonard Calvert Governour and Commander in chiefe in and over the Province of Maryland.

The Humble Address of the Upper House of Assembly May it please your Excellency

We begg leave in the humblest manner to Return your Excellency our most hearty thanks for your favourable Speech to both houses at the opening of the Session of Assembly, wherein you have been pleased to use such Pathetick Expressions in condoleing with us the unparrelled loss we have Sustained by the Death of the best of Kings our late renowned Sovereign of happy memory as have again Revived the great Griefe we had before Conceived upon that most melancholy occasion, and what indeed would have been Insupportable had it not been alievated by the happy Accession of his Royall Successor our present most Gracious King George the Second to the Throne of the Brittish Dominions; in whom We doubt not but all the Numerous Vertues of his most Glorious father are Inherent U. H. J. and will most Effectually operate for the preservation of the Lives and Religion Liberties and Properties, of all the Subjects of Great Brittain, whereby that Imperiall Kingdom will acquire a Superior Influence over all the Neighbouring nations.

We Gratefully accept your Excellencys Congratulation upon these our happy Circumstances and with Joyful hearts Joyn in fixing our thoughts upon the Pleasing Prospect of a lasting Continuance of these Inestimable blessings to the latest Posterity under the Government and Protection of a numerous Succession in his Majesty's Royall Family.

The great Care and Dilligence your Excellency has been pleased to use in Causeing our present most Gracious Sovereign King George the Second to be Proclaimed with the utmost Decency our present Circumstances would Admitt requires Our most hearty thanks.

And we do Assure your Excellency that we shall heartily and readily Joyn in an address to his most Sacred Majesty to show our gratefull Acknowledgments of the Divine blessing upon his happy Accession to the Throne of his Ancestors.

It is with great Pleasure we observe the Satisfaction you have been pleased to Express at the Reception the People of this province have been able to give your Excellency since your Arrivall, and only want some favourable opportunitys to show how much our Inclinacons exceed our Abilities in merritting the Character of being Loyal to our King and Dutyfull to the Lord Proprietary and respectful to your self; which we are sensible will be the surest way to Preserve our Ecclesiasticall and Civil Rights and Priviledges.

We have a plain Indication of your Excellencys sincere intention to promote the good and wellfare of the People of this Province in that you have been pleased in Severall Paragraphs of your Speech so Earnestly to Recommend to our Consideracon such things as when perfected must certainly be Conducive to that good end, of which wee shall allways retain a Gratefull remembrance and with the utmost Dilligence apply ourselves to the Consideration of them and all such other matters as shall occur to us for the Public Welfare and Endeavour to do therein what shall appear necessary for the good of this Province and suitable to the Present Circumstances thereof.

Your Excellencys pressing invitation to pursue our real interest we shall carefully Observe and your Kind Advice to Avoid strife and Contention (delivered in so obliging a manner) we sincerely hope will have its desired Effect.

With the greatest Satisfaction we lay hold of this opportunity of p. 6

U. H. J. Acknowledging our Just sence of His Lordships good Intentions towards the People of this Province in haveing Directed that Prerogative and Priviledge within their Just Limits should be made the Rule of your Excellencys administration; A Rule indeed which of all others is the best suited to an English Constitution and now made so much the Dearer to us by your Excellencys firm Resolucon (declared in your speech) to pay a strict Obedience to those Equal Commands which we hope will be sufficient to Convince the good People of this Province that His Lordship has no intention to do any thing in Prejudice of their Liberties and Priviledges.

For as His Lordships Interests are Inseperably interwoven with the best and most advanced State of Prosperity in this his Province of Maryland, and as Affluence and great Increase of Riches therein is the sure means of adding to the Honour and Magnificency of his most Illustrious family, it looks like a kind of Infatuation in some People to suspect him Capable of such Ungenerous Views as would prove either inconsistent with or Destructive of the Rights priviledges or Propertys of the good people thereof.

Wherefore we do not in the least doubt the Lord Proprietarys kind intentions to Grant whatever is fitting for us to Desire of him, and we take leave to Assure your Excellency that we have not any reason to Question His Lordships Sincere Endeavours to make us Easy and happy in our Circumstances, of which we have allready had so many repeated Instances that nothing but an Insuperable diffidence cân resist so Evident a truth; a fresh Instance whereof we have lately received in his sending your Excellency his so near Relation to Govern us, of whose Goodness and prudence we have so Promising a Prospect that we are induced to believe your Administration will highly Conduce to the Prosperity of this Province soe happily settled and Improved by the Incouragement of His Lordships Noble Ancestors.

Subscribed by all the members Present

To which his Excellency made the following Reply

Gentlemen

I Return you my sincerest thanks fot your obligeing Address and as my principall View is the Welfare of this Province I shall always desire your Advice and Assistance towards fixing its Prosperity on the surest foundations

Benedict Leonard Calvert

Ordered that the said Address with his Excellency's reply be forthwith Printed.

Adjourned till to Morrow Morning nine of the Clock.

Friday Morning October the 13th 1727 U. H. J. October 13

Met again according to Adjournment, Present as yesterday

Read the Petitions of John Cook, Phillip Anthony Ufleman John Wood Samuel Glover Lawrence Hayes, John Conoway and William Jones, languishing Prisoners in Ann Arundell County. Read the Petitions of John Peddicate and Christopher Gardiner two languishing prisoners in Baltemore County. Read the Petition of John Bramfield a languishing prisoner in Prince Georges County

Ordered that the said petitions be severally thus Endors't viz.

By the Upper House of Assembly October the 13th 1727

Read and referred to the Consideration of the lower house of Assembly.

Signed ꝑ Order Geo. Plater Cl Up Ho.

Sent down by John Rousby Esqr

A Message from the lower house by Coll Thomas Trueman Greenfield and three more viz. p. 7

By the Lower House of Assembly October the 13th 1727

May it please your Honours

This House being willing to Inspect the Proceedings of the Commissioners appointed about the Publick Records have appointed Coll. Thomas Trueman Greenfield Major James Harris Lieut Coll Levin Gale and Capt John Rider members of this house to Joyn such of the members of your House as by your Honours shall be nominated in a Committee for that purpose who are to make their Report therein and Desire your Honours Concurrence

Signed ꝑ Order M. Jennifer Cl Low Ho.

To which Message the following Answer is Prepared

By the Upper House of Assembly October the 13th 1727

Gentlemen

In answer to your messuage of this day by Coll Thomas Trueman Greenfield and three more this house does appoint the Hon̄ble Philemon Lloyd and Charles Calvert Esqr members of this house to Joyn with Coll Thomas Trueman Greenfield Major James Harris Lieut Coll Levin Gale & Capt John Rider members appointed by your House in a Committee for Inspecting the Proceedings of the Commissioners appointed for transcribing the Publick Records who will be ready to Attend at the Proper Offices to morrow morning ten of the Clock

Signed ꝑ Order Geo Plater Cl Up Ho.

U. H. J. Sent down by Phill Lloyd and Charles Calvert Esq^rs^

Read the petition of part of Prince Georges County praying that that part may be United to Charles County which was ordered to be Endorsed as follows viz.

By the Upper House of Assembly October the 13th 1727

Read and referred to the Consideracon of the Lower house of Assembly

Signed ꝑ Order Geo: Plater Cl Up Ho.

Which petition so Endorst was sent to the Lower House by Benj. Tasker Esq^r^

Adjourned till to morrow morning nine of the Clock

October 14 Saturday morning October the 14th 1727

Met again according to adjournment.

Present as yesterday except Nicholas Lowe Esq^r^

Read the Petition of George Buchanan of Baltemore County praying leave to cut of an Intail and to Intail other lands in Lieu thereof.

Read the Petitions of John Hurd of Baltemore County and Peter Carmick of Cecill County setting forth a Defect in Recording their Deeds of Bargain and Sale and praying that they may be Recorded and as Valid in Law as if the same had been Recorded in time.

Read the Petition of Charles Mathan a poor languishing prisoner in Ann Arundell Co^ty^ Goal

Ordered that the said petitions be severally thus Endorsed viz.

By the Upper House of Assembly October the 14th 1727

Read and referred to the Consideracon of the Lower House of Assembly

Signed ꝑ Order Geo. Plater Cl Up Ho.

Sent to the Lower House by Col° Mathew Tilghman Ward

p 8 A Message from the Lower House by Major James Harris and twelve more with a Copy of the Report of the Committee of Aggrievances to that House and a Bill Entituled An Act ascertaining the form of an oath of a Judge or Justice thus Endors'd viz.

By the Lower House of Assembly October the 14th 1727

Read the first time and Ordered a second reading.

Signed ꝑ Order M. Jenifer Cl. Lo. Ho.

By the Lower House of Assembly October the 14th 1727 U. H. J.

Read the second time by Especial order and will Pass.

Signed ℘ Order M. Jenifer Cl. Lo. Ho.

Which Bill was read the first time and Ordered to lye on the table.

By the Lower House of Assembly October the 14th 1727

May it please your Honrs

We herewith send your Honours the Report of our Committee of Agrievances and Courts of Justice relateing to the ascertaining the form of an Oath of Judge or Justice and a Bill drawn thereon

Signed ℘ Order M. Jenifer Cl. Low. Ho.

By the Committee of Agrievances and Courts of Justice
October the 14th 1727

This Committee pursuant to the Generall Instructions given them have made diligent Enquiry into the Oath of Office taken by the severall Magistrates within this Province since his Lordships Dissent to the Act of Assembly for ascertaining the oath of Judge or Justice and find that scarce any two Courts have taken the same oath of Office the Magistrates of the severall Courts haveing framed and taken for that Purpose such an Oath as was most agreeable to their own Sentiments.

This Committee further find that severall worthy Persons Commissioned to Act as Magistrates within this Province scruple taking an oath of Office at all there being no Act of Assembly here but that which the Lord Proprietary has been pleased to Dissent to, to ascertain the same, which must Doubtless render our happy Constitution lyable to Destruction and give the magistrates (if not timely prevented) an opportunity of acting after the most Arbritary manner, which occasions the greatest Uneasiness to the good people of this Province and is humbly by your Committee submitted as most Worthy the Speedy Consideracon of the House.

Signed ℘ Order Nich: Hammond Cl Com.

Read and ordered to lye on the Table.

A Bill from the lower house by Mr John Chairs and Mr William Elliot Entituled An Act for Dividing Saint Pauls parish in Queen Anns County and for Erecting a Parish out of the same thus Endors'd Viz.

By the Lower House of Assembly October the 13th 1727

Read the First time. Signed ℘ Order M. Jenifer Cl. Lo Ho.

U. H. J. By the Lower House of Assembly October the 14th 1727

Read the second time and will Pass.

Signed ꝑ Order M. Jenifer Cl. Lo. Ho.

Read the first time in this house and Ordered to lye on the Table.

p. 9 A Bill from the Lower House by Mr Ebenezer Blackston and Mr Simon Wilmer Entituled An Act for the naturalization of Francis Ludolph Bodien of Kent County Chirurgeon and his Children thus Endors'd viz.

By the Lower House of Assembly October the 13th 1727

Read the first time. Signed ꝑ Order M. Jenifer Cl Lo Ho.

By the Lower House of Assembly October the 13th 1727

Read the second time and will pass.

Signed ꝑ Order M. Jenifer Cl Lo Ho.

Read the first time in this House and ordered to lye on the Table.

Read the Petition of the Rector Vestry and Church Wardens of William and Mary Parish in Charles County setting forth the smallness of their Parish and Disability to support A Minister and praying to be enabled to make an Addicon thereto.

Ordered that the said Petition be thus Endors'd viz.

By the Upper house of Assembly October the 14th 1727

Read and referred to the Consideracon of the Lower house of Assembly

Signed ꝑ Order Geo. Plater Cl. Up Ho

Sent down by John Rousby Esqr

Adjourned till Monday Morning nine of the Clock.

October 16 Monday October the 16th 1727

Met according to adjournment,

Present

His Excellency Benedict Leonard Calvert Governour

The honble
Coll. William Holland John Rousby Esqr
John Hall Esqr Ben Tasker Esqr
Philemon Lloyd Esqr Philip Lee Esqr
Coll. Richd Tilghman Charles Calvert
Coll. Matt. T. Ward Esqr
Members of the Upper House

Read the Petitions of Robert Carter and James Conly two languishing Prisoners in Ann Arrundell County Goal Ordered that they be severally thus Endors'd Viz. U. H. J.

By the Upper House of Assembly October the 16th 1727

Read and referred to the Consideracon of the Lower house of Assembly

Signed ꝑ Order Geo: Plater Cl Up. Ho.

Sent by Benj. Tasker Esqr

The Honble Phillip Lee Esqr a member of this House takes the Oaths appointed to be taken to his present Majesty King George the Second and Subscribes the Oath of Abjuracon and Test according to Law

The following messuage was prepared and sent to the Lower House by Phillip Lee Esqr

By the Upper House of Assembly October the 16. 1727

Gentlemen

This House being willing to show their Readiness in drawing an Address to our most Gracious Sovereign King George the second upon his Accession to the throne of his Ancestors have appointed the Honble Phillip Lee and Charles Calvert Esqr members of this p. 10
house to Joyn such of the members of your House as shall be by You nominated in a Committee for that Purpose

Signed ꝑ Order Geo Plater Cl. Up. Ho.

Sent by Phillip Lee and Charles Calvert Esqr

Read the Bill a Second time for naturalizeing Francis Rudolph Bodien wch is ordered to be thus Endors't viz.

By the Upper House of Assembly October the 16th 1727

Read the second time (the children already born being particularly named and the word Lordships instead of Majestys in the ninth line being Incerted) and with these alterations will pass.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

Sent down by John Hall Esqr

A Message from the Lower House by Collo Thomas Trueman Greenfield and James Harris Esqr viz.

By the Lower house of Assembly October the 16th 1727

May it please your Honrs

We Concurr with your Honours in your messuage this Day by Phillip Lee Esqr in Joyning some of the members of this House with the members appointed by your House in drawing an Address to our most Gracious Sovereign King George the second and have

U. H. J. appointed Col. Thomas Trueman Greenfield James Harris Esq^r Lieu^t Col^o Levin Gale and Capt. John Rider Members of this House to Joyn the members appointed by your House for that purpose who are ready to attend at such time and place as your Honours shall think fitt

Signed ꝑ Order M. Jenifer Cl. Lo. Ho.

Whereupon Philip Lee and Charles Calvert Esq^r immediately attend.

Adjourned till to Morrow morning nine a Clock.

October 17 Tuesday Morning October the 17^th 1727

Met again according to adjournment. Present as yesterday with the Addition of Nicholas Lowe Esq^r

Read the petition of Daniell Manadier of the Parish of S^t Peters in Talbott County Clerk praying to be naturalized

Read the Petition of Josias Sunderland of Calvert County praying an Amendment of the Law lately made in his favour

Ordered That the said Petitions be severally thus Endors'd viz.

By the Upper House of Assembly October the 17^th 1727

Read and recommended to the Consideracon of the Lower house of Assembly

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

Sent by Col^o Matt. T. Ward

Read the Petition of the Inhabitants of Baltimore County praying a further Encouragement for makeing Hemp Ordered that the said Petition be thus Endorsed viz.

By the Upper house of Assembly October the 17^th 1727

Read and referred to the Consideracon of the Lower House of Assembly.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

Sent down by John Rousby Esq^r

p. 11 A Bill from the Lower House by M^r Henry Hawkins and John Kirk Entituled An Act to make valid a Deed of bargain and Sale from William Rogers and Mary his wife to John Teneson of Charles County when Recorded thus Endorst viz.

By the Lower house of Assembly October 17^th 1727

Read the first time and ordered to lye on the Table

Sign'd ꝑ order M Jenefer Cl. Low. Ho.

By the Lower house of Assembly October 17th 1727

Read the second time and will Pass.

Sign'd ꝑ order M. Jenefer Cl Low. Ho.

Read and ordered to lye on the Table.

An Engrossed Bill from the Lower house by Mr Simon Willmer and Mr Ebenezar Blackstone, Entituled an Act for the naturalizeing of Francis Ludolph Bodien of Kent County Chururgeon and his Children thus Subscribed Viz.

October the 17th 1727

Read and assented to by the Lower house of Assembly and

Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

Read and assented to by this house and ordered to be so Subscribed

The Paper Bill so endorsed is sent down to the Lower house by Nicholas Lowe Esqr

A Bill from the lower house by Mr Benjamin Mackall and Mr Walter Smith Entituled an Act for the Releife of John Yoe of Calvert County Planter in Confirming a Deed of Bargain and Sale from Daniell Sulivan of the same County and Priscilla his wife to the said John Yoe made thus Endorst Viz.

By the Lower house of Assembly October 17th 1727

Read the first and second time by Especiall order and will Pass.

Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

Read the first time and ordered to lye on the Table.

A Message from the Lower house by Leiut Coll. Gale and five more Viz.

May it Please your Honrs

The Good People we represent being much disquieted that there is no Act appointing the Oath of Judge or Justice, within this province Wee Desire tht for the quieting their minds your Honours will be pleased to give the necessary Dispatch to the bill now in your House for that Purpose.

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

To which the following answere was prepared and sent by John Hall Esqr and three more.

By the upper house of Assembly Octor the 17th 1727

Gentlemen

On reading the Bill sent from your House by Maj. Harris and

U. H. J. twelve more which Prescribes the oath to be taken by the severall
Justices within this Province. We observe that it is the same word
for word with the former Law Provided for that purpose which his
p. 12 Lordship lately dissented to and therefore we Cannot reasonably
hope that if it should be again Enacted will be assented to by him;
besides we are of opinion that the Clause in the oath which relates
to the Statutes of England is too Generall and Introductive of all
the Statutes of England (as well those limitted and located as those
that are not) to be in force here, And we further observe that the
Justices by that Oath as it now stands, are obliged to determine
according to the Statutes of England and the Acts of Assembly of
this Province without any Distinguishing preferance given to our
own Acts of Assembly (where Different provisions are made by
them) from those of the Statutes of England so that the Justices
are equally oblidged to observe both, which is Impossible when those
Statutes and our Acts of Assembly assign Different methods to be
taken in the same Cases & wee are Induced to beleeve that those or
such like Inconsistances might induce His Lordship to Dissent [to
this as] to the former Law. To avoid these Inconveniences for the
future we purpose that a Conferrance of both Houses be appointed
to Consider of this affair and to Propose a proper Expedient to
avoid the aforesaid Evill

Signd ꝑ order Geo. Plater Cl. Up. Ho.

Read the Petition of the Inhabitants of the City of Annapolis setting forth their right of Commonage and praying relief therein.

Ordered that the said Petition be thus Endorst Viz.

By the Uper house of Assembly October 17th 1727

Read and Recommended to the Consideracōn of the Lower house of Assembly

Sign'd ꝑ order Geo. Plater Cl. Up. Hou.

Sent by Phill Lee Esqr

A Message from the Lower house by Coll Thomas Trueman Greenfeild and seven more Viz.

By the Lower house of Assembly October 17th 1727

May it Please your Honrs

On reading your message this Day by John Hall Esqr and three others of your members this House has Resolved that a Conferrance relateing to the form of the Oath of Judge or Justice be granted and for that Purpose have appointed Coll. Thomas Trueman Greenfeild James Harris Esqr Leiut Coll Levin Gale Vachel Denton Esqr John Beale Esqr Mr Ralph Crabb Cap. Henry Hooper and Capt. Robert King members of this House to Joyn such of the members of your house therein as your Honours shall appoint U. H. J.

Sign'd ꝑ order M. Jenefer Cl Lo. Ho.

To which Message the following answere is prepared and sent by Coll. Matt. Til. Ward and John Rousby Esqr

By the Upper house of Assembly October the 17th 1727

Gentlemen

In answer to your Message this day by Coll Thomas Trueman Greenfeild and seven more this house have appointed the honble Philemon Lloyd Esqr Coll Matt. Tilghman Ward and John Rousby Esqr members of this house to join Coll Thomas Trueman Greenfeild James Harris Esqr Leiūt Coll Levin Gale Vachel Denton Esqr John Beale Esqr Mr Ralph Crabb, Capt Henry Hooper and Capt p. 13 Robert King members appointed by your house in a Conferrance relateing to the form of the oath of a Judge or Justice who will be ready to attend at the House of Mr George Neilson to morrow morning at ten of the Clock

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

Read the Petition of William Parks Printer praying leave to bring in a Bill for payment of the two Thousand pounds of Tobacco in each County for printing the Laws and other proceedings of each Session of Assembly. Ordered that the said Petition be thus Endorst Viz.

By the upper house of Assembly October the 17th 1727

Read and referred to the Consideracōn of the Lower house of Assembly

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

Sent by Nicholas Lowe Esqr

Adjourn'd till to morrow morning nine of the Clock

Wensday October the 18th 1727 October 18

Met again according to Adjournment

Present as yesterday

Read the Petition of the Vestrymen Church wardens and Inhabitants of St. Pauls parish in Baltemore County praying they may be enabled to purchase land to build a Church upon

Read the Petition of Charles Carroll of the City of Annapolis

U. H. J. Chururgeon praying leave to bring in a Bill to Invest him in an Estate in fee simple in a parcell of ground in the said City laid out for a Ship Carpenters Dock upon building and Erecting A Wharf thereon

Read the Petition of Robert Parle of Prince Georges County a free Mullatto setting forth that he is rendred Incapable by the Justices of the said County to Recover his Just Debts and Praying releife

Read the Petition of the Corporation of the City of Annapolis Setting forth their rights to the Town lands and Praying Relief therein.

Ordered that the said Petitions be severally thus Endors'd Viz.

By the Uper house of Assembly October the 18th 1727

Read and referred to the Consideracōn of the Lower house of Assembly

Signed ꝑ order Geo: Plater Cl: Up: Ho:

Sent by Charles Calvert Esqr

Read the Bill a second time Entituled an Act to make Valid a Deed of Bargain and Saile from William Rogers and Mary his wife to John Teneson of Charles County when Recorded. Ordered the said Bill be thus Endors'd Viz.

By the Upper house of Assembly October 18th 1727

Read the second time and will Pass.

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

Sent Down by John Hall Esqr

Read the second time the Bill Entituled An Act for the Releife of John Yoe of Calvert County Planter in Confirming a Deed of Bargane and Sale from Daniell Sulivant of the same County and Priscilla his wife to the said John Yoe made

Ordered that the said Bill be thus Endors'd Viz.

By the Upper house of Assembly October the 18th 1727

Forasmuch as it does not appear to this House that the said p. 14 Sulivant and Priscilla his wife who pass'd the Deed within mencōned have had Notice thereof or that the Petitioner hath attended to make good his Pretentions therefore this Bill will not pass

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

Philemon Lloyd Esqr Coll Mathew Tilghman Ward and John

Rousby Esq^r members of this house appointed on the Conferrance to ascertain the form of the Oath of a Judge or Justice make report thereof to this house as follows Viz. U. H. J.

By the Conference Appointed to asscertain the forme of the oath of Judge or Justice 18^th October 1727

It is Considered by the Conferrees and Agreed that the following alteracōn be made in the oath of Judge or Justice viz. instead of these Words, According to the Laws Statutes and reasonable Customs of England, Agreeable to the ussage and Constitution of this Province and to the acts of Assembly of the same Province

These words following shall be inserted Viz. According to the Directions of the Act of Assembly of this Province so farr forth as they Provide and where they are Silent according to the Laws Statutes and reasonable Customs of England agreeable to the Ussage and Constitution of this Province

Which is humbly Referred to the Consideracōn of the Lower House

Sign'd ꝑ order John Gibson Cl. Conf.

Which being read is approved of and agreed to (nemine Contradicente) by this house

Read the Petition of John Glassington a languishing Prisoner in Baltemore County

Ordered the said Petition be thus Endors'd Viz.

By the Upper house of Assembly October the 18^th 1727

Read and refered to the Consideracōn of the Lower house of Assembly

Sign'd ꝑ order Geo: Plater Cl. Up. Ho.

Sent by Coll Rich^d Tilghman

Read the second time the bill for ascertaining the forme of the oath of Judge or Justice which is order'd to be thus Endors'd Viz.

By the Upper House of Assembly October the 18^th 1727

With the alteracōns propos'd in the report of the Conferees appointed to asscertain the form of the oath of Judge or Justice this bill will pass

Signd ꝑ order Geo. Plater Cl. Up. Ho.

Sent down to the lower house by Coll. M: Tilghman Ward & five more.

Adjourned till to morrow morning nine of the Clock.

U. H. J. October 19 Thursday October the 19th 1727

Met again according to adjournment

Present as yesterday.

p. 15 Mr Benjamin Pemberton and Mr John Chaires from the Lower house attend with Mr James Hollyday a member for Talbott County and Mr Edward Wright a member for Queen Anns County to see them Quallified

Whereupon the said Hollyday and Wright takes the oaths to his Present Majesty King George the second and Subscribes severally the oath of Abjuration and Test according to Law And then they withdrew

Read a Second time the Bill for Divideing St. Paul's Parish in Queen Anns County which is Ordered to be thus Endorst Viz.

By the Upper House of Assembly, October the 19th 1727

It being alledged and in a great measure Demonstrated to this house that the Evills Complain'd of by the Parrishioners will be very litle remedied by the Division propos'd in this Bill that there will be a necessity of three Churches in each Parrish and also the present antient Incumbent be divested of too great a part of his Benifice: We therefore think it Convenient to referr the further consideracōn thereof to the next Session of Assembly that the parties opposeing the passing this Bill may have time to make good their Allegations

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

Sent down by John Rousby Esqr

Read the Petition of Thomas Hill a languishing Prisoner in Talbott County

Ordered the said Petition be thus Endors'd Viz.

By the Uper house of Assembly October the 19th 1727

Read and referred to the Consideration of the Lower House of Assembly

Sign'd ꝑ order Geo: Plater Cl. Up. Ho.

Sent down by Benj. Tasker Esqr

Two Bills from the Lower House by Mr James Hollyday and five more Viz.

An Engros'd Bill Entituled an Act to asscertain the form of an oath of Judge or Justice thus Subscribed Viz.

October the 19th 1727

Read and assented to by the Lower house of Assembly and

Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

Read in this house and ordered to lye on the Table U. H. J.

A Bill Entituled an act for Destroying Crows Wolfes and Squirrells thus Endors'd Viz.

By the Lower house of Assembly October the 16, 1727

Read the first time and ordered to lye on the Table

Sign'd ℘ order M Jenefer Cl. Lo. Ho.

By the Lower House of Assembly October the 17th 1727

Read the second time and on the question put this Bill will Pass.

Sign'd ℘ order M. Jenefer Cl. Lo. Hou.

Read in this house and ordered to lye on The Table.

Read the Petition of William ford of Ann Arundell County praying a Confirmacōn of A Purchase by him made of a tract of land of a certain Stephen Price of Baltemore County since Decēd

Ordered to be thus Endors'd Viz. p. 16

By the upper house of Assembly October the 19th 1727

Read and refered to the Consideracōn of the lower House of Assembly (the Guardian of the Infant haveing notice thereof).

Sign'd ℘ order Geo: Plater Cl. Up. Ho.

Sent down by Nich Lowe Esqr

Read the Petitions of Samuell Chew praying leave to Record two Deeds of Bargain and Sale and that the said Deeds may [be] Valid when Recorded.

Ordered that they be Severally thus Endors'd Viz.

By the upper House of Assembly October the 19th 1727

Read and referred to the Consideracōn of the Lower house of Assembly

Signd ℘ order Geo. Plater Cl. Up. Ho.

Sent down by Nicho Lowe Esqr

A Bill from the Lower house by Mr Richard Wharfeild and Mr Thomas Worthington Entituled an Act for makeing good and Valid a Deed of Bargain and Sail to John Hurd of Ann Arundell County thus Endors'd Viz.

By the Lower House of Assembly October the 17th 1727

Read the first time and order'd to lye on the Table.

Sign'd ℘ order M. Jenefer Cl. Lo. Ho.

U. H. J. By the Lower House of Assembly October the 19th 1727

Read the second time and will Pass.

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

Read in this house and ordered to lye on the Table

Three Bills from the Lower house by Mr Thomas Worthington and Mr Benjamin Pemberton Viz.

An Act Entituled an Act for the Naturalization of Daniel Maynadier Clk

An Act Entituled an Act for the Naturalization of John Wolf and others.

An Act Entituled an Act for the Naturalization of Samuel Mynskea thus severally Endors'd Viz

By the Lower house of Assembly October the 19th 1727

Read the first and second time by Especiall order and will Pass.

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

Which were Severally read and ordered to lye on the Table

A Bill from the Lower house by Mr Walter Smith and Mr Anderton Skinner Entituled an Act for makeing good a Bargain and sail to John Frazer thus Endors'd Viz.

By the Lower house of Assembly, October the 19th 1727

Read the first and second time by Especiall order and will Pass

Sign'd ꝑ order M Jenefer Cl. Lo: Ho.

Read in this House and order'd a Second reading to morrow

Read the Petition of John Hall Esqr praying leave to bring in a bill for the Recovery of his Land rents in Baltemore County.

p. 17 Read the Petition of Mr Samuell Chamberlain of Talbot County praying time to make annual payments of the publick mony which was in the hands of Robert Ungle Esqr at the time of his Death on behalf of the widow of the Deceased.

Ordered severally to be thus Endorsed Viz.

By the Upper house of Assembly October the 19th 1727

Read and referred to the Consideracōn of the Lower house of Assembly

Signed ꝑ order Geo: Plater Cl. Up. Ho.

The first sent by John Hall Esqr

The latter by Coll Matt. T. Ward U. H. J.

Adjourn'd till to morrow morning nine of the Clock

Fryday October the 20th 1727 October 20

Met again according to adjournment

Present as yesterday except His Excellency

Read the second time the Bill to make Valid a Deed from Bartholemew Atkinson to John Hurd of Ann Arundell County also. A Bill to make valid a Deed from John Bowen to Ephraim Lover of Calvert County

Ordered that the said Bills be severally thus Endors'd Viz.

By the Uper house of Assembly October the 20th 1727

Read the second time and will Pass

Sign'd ꝑ order Geo: Plater Cl. Up. Ho.

Sent down by John Rousby Esqr

Read the second time the Bills for Naturalization of Daniell Manadier and his Children John Wolf Shoemaker of the City of Annapolis and others. Samuell Minskie of the said City Blacksmith and others.

Ordered that the said Bills be severally thus Endors'd Viz.

By the Upper house of Assembly October the 20th 1727

Read the Second time and will pass.

Signed ꝑ order Geo Plater Cl. Up. Ho.

Wch Bills were sent down to Phill Lee Esqr

A Message from the Lower House by Mr Edward Wright and two more with the bill for divideing St. Pauls Parish Viz.

By the Lower House of Assembly Octr the 20th 1727

May it please your Honours

We herewith send your Honours the bill for Divideing St Paul's parish in Queen Anns County and desire the same may pass, for that it appears to us by the return of the Commissioners for that end appointed and by the report of some of the members of this House, that the said Parish is well Divided to the Satisfaction of the Inhabitants

Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

Ordered to lye upon the Table

Adjourn'd till to morrow morning Nine of the Clock

U. H. J.
October 21

Saturday October the 21st 1727

Met again according to adjournment

Present as yesterday

An Engrost Bill from the Lower house by Mr Henry Hawkins and Mr John Mauldin Entituled an Act to make valid a Deed of bargane and Saile from William Rogers and Mary his wife to John Tenison of Charles County when Recorded thus Subscribed Viz.

p. 18

October the 20th 1727

Read and assented by the Lower house of Assembly and

Signed ꝑ order M. Jenefer Cl. Lo. Ho.

Which was read and assented to by this House and ordered to be so Subscribed

The paper bill so Endors'd sent down to the Lower house by Nich Lowe Esqr

Three bills from the Lower house by Coll John Ward and three more Viz.

An Act reviveing and Continueing an act Entituled an act for the advancement of Justice.

An Act reviveing and Continueing an Act Entituled an act for releiveing the Inhabitants of this Province from some agreivances in the Prosecutions of suits at Law

An Act for the Encouragement of makeing hemp within this Province thus Endors'd Viz.

By the Lower house of Assembly October the 19th 1727

Read the first time and ordered to lye on the Table

Sign'd ꝑ order M Jennefer Cl Lo. Ho.

By the Lower house of Assembly October the 21st 1727

Read the second time and will pass.

Signd ꝑ order M. Jenefer Cl. Lo. Ho.

Read the first time in this house and ordered to lye on the Table.

A Bill from the Lower house by Coll John Ward and Mr John Malden for the Relief of Peter Carmick of Cecill County thus Endors'd Viz.

By the Lower house of Assembly October the 21st 1727

Read the first and second time by Especiall order and will Pass.

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

Read the first time in this house and ordered to lye on the Table U. H. J

A Bill from the Lower house by Lieut Coll Levin Gale and Eleven more Entituled an Act for reviveing the Circuit Law thus Endors'd Viz.

By the Lower house of Assembly October the 21th 1727

Read the first time and ordered to lye on the Table.

Sign'd ꝑ order M. Jennefer Cl. Lo. Ho.

By the Lower House of Assembly October the 21st 1727.

Read the second time by Especiall order and will Pass.

Sign'd ꝑ order M Jennefer Cl. Lo. Ho.

Read the first time and ordered to lye on the Table

The following message was prepared and sent by Benj. Tasker Esqr Viz.

By the Upper house of Assembly October the 21st 1727

Gentlemen

In answere to your messuage yesterday by Mr Edward Wright and two more with the bill for divideing St Pauls Parrish in Queen Anns County for the reasons before alledged and for that there is no minister at present to be inducted therein we must insist upon p. 19
referring the Consideracōn thereof to the next Session of Assembly

Sign'd ꝑ order Geo: Plater Cl Up. Ho.

Read the Petitions of William Turner William Austin and Avenio Butler three languishing Prisoners in Talbott County

Ordered that the said Petitions be severally thus Endorst Viz.

By the Upper house of Assembly, October the 21st 1727

Read and referred to the Consideracōn of the Lower house of Assembly.

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

Sent down by Phill Lee Esqr

A Bill from the Lower house by Capt. Henry Hooper and three more for the Releife of sundry poor prisoners, therein mentioned thus Endors'd Viz.

By the Lower house of Assembly October the 14th 1727

Read the first time and ordered to lye on the Table

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

U. H. J. By the Lower house of Assembly October the 21st 1727

Read the second time and will Pass

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

Read in this house and ordered to lye on the Table.

Adjourn'd till Monday Morning nine of the Clock

October 23 Monday October the 23d 1727

Met again according to adjournment

Present

The Honble John Hall, Benj. Tasker, Phill Loyd, Nicho Lowe, John Rousby, Cha. Calvert Esqrs Members of the Upper House

John Beale Esqr and Mr Thomas Worthington from the Lower house attend with Daniell Dulany Esqr a member Elected for Ann Arundell County to see him qualified.

Whereupon the said Daniell Dulany takes the Oaths appointed to be taken to his present Majesty subscribes the oath of Abjuration and Test and then they withdrew.

Read the second time an Act for the Releif of Peter Carmick of Cecill County

Ordered to be thus Endors'd Viz.

By the Upper house of Assembly October the 23d 1727

Read the second time and will Pass

Sign'd ꝑ order Geo: Plater Cl Upper Ho:

Sent down to the Lower house by Charles Calvert Esqr

Read the second time the Bill reviving and Continueing an act for releiveing the Inhabitants from some Aggrievances in the prosecutions of suits at Law & The Bill reviveing and Continueing an Act Entituled an Act for the advancemt of Justice.

Order'd that the said Bills be severally thus Endors'd Viz.

By the Uper house of Assembly October the 23d 1727

Read the second time and will Pass.

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

Sent down by Charles Calvert Esqr

Two bills from the Lower house by Capt. George Dent and Mr Richd Wharfeild Viz.

An Act in favour of Edward Kitton and U. H. J.

An Act for Erecting a Court house and prison at the head of Port Tobacco Creek in Charles County thus Endorsed Viz.

By the Lower house of Assembly October the 23rd 1727

Read the first and second time by Especiall order and will Pass.

Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

Read in this House and ordered they lie on the Table p. 20

Read the second time the Bill giveing Encouragement to make Hemp within this Province

Ordered that the said Bill be thus Endors'd Viz.

By the Upper house of Assembly October the 23rd 1727

Read the second time and with this Alteracōn (to Continue for three years and to the end of the next Session of Assembly which shall first happen after the said three years) this Bill will Pass

Sign'd ꝑ order Geo: Plater Cl. Up. Ho.

Sent to the Lower house by John Rousby Esqr

Read the Petition of severall of the Inhabitants about Elkridge in Ann Arrundell County.

Ordered that the said Petition be thus Endors'd Viz.

By the uper house of Assembly October the 23d 1727

Read and referred to the Consideracōn of the Lower house of Assembly

Sign'd ꝑ order Geo. Plater Cl Lo. Ho.

Sent to the Lower house by Benj. Tasker Esqr

Two Engros't Bills from the Lower house by Mr Ralph Crabb and Capt. John Rider Viz.

An Act reviveing and Continueing an Act of Assembly Entituled an act for Releiveing the Inhabitants of this province from some agrievances in the Prosecutions of suits at Law

An Act reviveing and Continueing an Act of Assembly Entituled an act for the advancement of Justice thus Subscribed Viz.

October the 23rd 1727

Read and assented to by the Lower house of Assembly and

Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

Read and assented to by this House and order'd to be so Subscribed.

U. H. J. The Paper bills so severally Endors'd sent down to the Lower house by Benjamin Tasker Esqr

Read the second time the Bill for reviveing the Circuit Law.

Order'd that the said Bill be thus Endors'd Viz.

By the Upper house of Assembly October the 23d 1727

Read the second time and will Pass.

Sign'd ꝑ order Geo: Plater Cl. Up. Ho.

Sent to the Lower house by Benj. Tasker Esqr

Three Engros'd Bills from the Lower house by Mr Thomas Worthington and Mr Anderton Skinner Viz.

An Act for the makeing good and Valid a certain Indenture or Deed of Bargain and Saile from Bartholomew Atkinson and Sebere his wife late of Baltemore County to John Hurd of Ann Arundell

An Act for the makeing good and valid in Law a Certain Deed of Bargain and sale from John Brown of Prince Georges County to John Frazer of Calvert County Mariner

An Act for the naturilazon of Daniell Maynadier of Talbott County Clk and his Children thus severally Subscribed Viz.

October the 23rd 1727

Read and assented to by the Lower house of Assembly and

Signd ꝑ order M. Jenefer Cl. Lo. Ho

Which were read and assented to by this house and order'd to be severally so subscribed

The Paper bills so severally Endors'd are sent to the Lower house by Nicholas Lowe Esqr

p. 21 A Bill from the Lower house by Mr Benjamin Pemberton and Mr Daniell Scott for the Speedy and Efectual Publication of the Laws of this Province and for the Encouragement of William Parks Printer thus Endors'd Viz.

By the Lower house of Assembly October the 23rd 1727

Read the first and second time by Especiall order and will Pass.

Signed ꝑ order M. Jenefer Cl. Lo. Ho.

Read in this house and ordered to lye on the Table.

An Engros'd Bill by Mr John Hamilton and Mr Daniel Scott Entitled an Act giveing Encouragement to make Hemp wthin this Province thus Subscribed Viz.

October the 23rd 1727

U. H. J.
October 23

Read and assented to by the Lower House of Assembly &
Signd ꝑ order M. Jennefer Cl. Lo. Ho.

Read and assented to by this House and ordered to be so Subscribed

The Paper Bill so Endors'd is sent to the Lower house by Nicholas Lowe Esqr

A Bill from the Lower house by Cap. John Rider and Mr Edward Pritchet for declareing the bounds of two acres of land heretofore granted Great Choptanck Parish on wch the Chapell in Vienna now Stands thus Endors'd Viz.

By the Lower house of Assembly October the 23d 1727

Read the first and second time by Especiall order and will Pass.
Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

Read in this house and ordered to lye on the Table.

Adjourn'd till to morrow morning nine of the Clock.

Tuesday October the 24th 1727

October 24

Met again according to adjournment

Present

The Honble	Coll. William Holland	Benjamin Tasker Esqr
	John Hall Esqr	Phillip Lee Esqr
	Phile Lloyd Esqr	Nicholas Lowe Esqr
	John Rousby Esqr	Charles Calvert Esqr

Members of the Upper House

Read the second time the Bill in favour of Edward Kitten which is order'd to be thus Endors'd Viz.

By the Upper house of Assembly October the 24th 1727.

Read the second time and will pass
Signd ꝑ order Geo: Plater Cl. Up. Ho.

Read the second time the Bill for erecting a new Court House and Prison in Charles County which is order'd to be thus Endors'd Viz.

By the Uper house of Assembly October the 24th 1727

Read the second time and will Pass.
Sign'd ꝑ order Geo: Plater Cl Up. Ho.

U. H. J. Which Bills were sent to the Lower House by Cha. Calvert Esqr

Read the second time the Bills for the Speedy Publication of the Laws of this Province and for the Encourageing William Parks of the City of Annapolis Printer

The Bill for declareing the bounds of two acres of land heretofore granted to great Choptanck Parish.

Order'd that the said Bills be Severally thus Endors'd Viz.

By the upper house of Assembly October 24th 1727

Read the second time and will Pass.

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

p. 22 A Bill from the Lower house by Mr. Henry Hawkins and Ebenezar Blackston for the Speedy Conveyance of Publick & other letters and defraying the Charge thereof thus Endorst Viz.

By the Lower house of Assembly October the 24th 1727

Read the first and second time by Especiall order and will Pass.

Signd ꝑ order M Jenefer Cl. Lo. Ho.

Read in this house and order'd to lye on the Table.

A Bill from the Lower house by Capt King and Mr Stornton Empowering the Sale of land in favour of Levin Gale and Betty Gale thus Endors'd Viz.

By the Lower house of Assembly October the 23rd 1727

Read the first time and ordered to lye on the Table.

Sign'd ꝑ order M Jenefer Cl. Lo. Ho:

By the Lower house of Assembly October the 24th 1727

Read the second time and will pass

Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

Read in this house and ordered to lye on the Table.

Read the second time the Bill for the Releif of Sundry poor prisoners therein menconed

Order'd that the said Bill be thus Endors'd Viz

By the Upper house of Assembly, October the 24th 1727

Read the Second time and (with the Addition of Phil Anthony Ufleman whom we think a very proper object of releife) this Bill will Pass

Sign'd ꝑ order Geo Plater Cl. Up Ho.

Sent by Benj. Tasker Esqr

Read the Bill for assertaining the form of the Oath of a Judge U. H. J.
or Justice thus Subscribed Viz.

October the 19th 1727

Read and assented to by the Upper [Lower] house of Assembly and

Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

Which was read and assented to by this House and order'd to be so Subscribed

The Paper Bill so Endors'd sent down to the Lower house by Phil Lee Esqr

A Message from the Lower house by Mr Nicholas Goldsborough and five more Viz.

By the Lower house of Assembly October the 24th 1727

May it Please your Honours;

We are Sorry to find by your messuage of the 21st Instant by Benj. Tasker Esqr that you are against passing the Bill for Divideing St. Pauls Parish in Queen Anns County this Session since it appears that the present Rector after such a Division as is propos'd will have near 400$\overset{l}{0}$0 Tobacco ꝑ Annum which we take to be a very handsome maintenance for a Minister and that that Division being as we are well assured very Satisfactory to the maior part of the Parishoners we are alsoe informed that there is an opportunity of getting a Minister for the new Parish immediately which cannot be expected untill Provision is made to Support him besides if there was no such oppertunity the Tobacco that would be raised by the forty ꝑ poll would be a great Ease to the Inhabitants by building a Church and of great service to the People who receive little benefit from the present Incumbent who cannot possibly render that Service to so great a number of People as the Parishoners Consist of, and who live at so great a Distance from one another that ought to be performed in so Important a Concern as is the Case of their Souls so have sent you the bill again p. 23
and hope you will Pass it

Sign'd ꝑ order M. Jenefer Cl Lo. Ho.

Ordered to lye on the Table.

A Bill from the Lower house by Coll Maxwell and three more directing the Payment of fees ariseing due on the Prosecution of white Servants which shall here after be imported into this Province thus Endors'd Viz.

By the Lower house of Assembly October the 25th 1727

Read the first and second time by Especiall order and will Pass

Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

U. H. J. Read in this house and ordered to lye on the Table.

An Engros'd Bill from the Lower house by Capt King and Mr Johnson Entituled.

An Act reviveing an Act Entituled an Act for the Tryall of all matters of fact in the Severall County's where they have arrisen or shall arrise the Continuance of Causes in the Provinciall Court and adjournment of that Court with the Supplementary Act thereto and to amend some Defects in the said acts thus Subscribed Viz.

October the 24th 1727

Read and assented to by the Lower house of Assembly and
Sign'd ℘ order M Jenefer Cl Lo. Ho.

Read and assented to by this house and order'd to be so subscribed.

The Paper bill so Endors'd is sent to the Lower house by Nich Lowe Esqr

A Bill from the Lower house by Capt. Waughop and Mr Magruder thus Endors'd Viz.

By the Lower house of Assembly October the 24th 1727

Read the first and second time by Especiall order and will Pass
Signd ℘ order M. Jenefer Cl. Lo. Ho.

Read in this house and ordered to lye on the Table.

Read the second time the Bill for Destroying Wolves Crows and Squirrells

Ordered that the said Bill be thus Endors'd and the following message sent therewith Viz.

By the Upper house of Assembly October the 24th 1727

Read the second time and (with the alteracons proposed in the message herewith sent) this Bill will Pass.
Sign'd ℘ order Geo. Plater Cl. Up. Ho.

By the uper house of Assembly, October the 24th 1727

Gentlemen

Upon perusual of the Bill for destroying Squirrells we are of opinion it will not answer the Design thereof in regard we Conceive Sundry Persons will rather submitt to the fine then destroy them to be exempted there from. We therefore offer to your Consideracōn that an Encouragement of two pounds of Tobacco ℘ head be allowed by the severall Countys for all Squirrells and Crows that shall be killed by any Inhabitants thereof after the 25th day of March next.

Sign'd ℘ order Geo. Plater Cl. Up. Ho.

Sent by Cha: Calvert Esq^r U. H. J.

The following message was prepared and sent to the Lower house By John Hall Esq^r

By the Upper house of Assembly October the 24th 1727

Gentlemen

His Excellency the Governour hath Communicated to this house His Lordships Desire that an Act may pass for asscertaining the fees of the severall offices of this Province on the same Regulacōn to which they were subjected in the year 1719 and hath been further Pleased to notifie to us his Desire that the act for Ordinary Licences being neer Expired may be revived.

Signd ꝑ order Geo. Plater Cl. Up. Ho.

A Messuage from the Lower house by M^r Stornton and five more Viz. p. 24

By the Lower house of Assembly October the 24th 1727

May it Please your Honours

We have herewith sent you the Bill for destroying Squirrells which we desire you will Pass as it now Stands for it must certainly be more advantageous to the Province to have them Killed after that manner then to Expend one million and three hundred thousand pounds of Tobacco ꝑ annum in maintaining a warr against those little annimals which upon a modest Computation will be the least sume the province will be assesed by such a Law as you propose.

Sign'd ꝑ order M. Jennefer Cl. Lo: Ho.

Which is ordered to lye on the Table.

Adjourned till to morrow morning nine of the Clock

Wensday morning October the 25th 1727 October 25

Met again according to Adjournment

Present as yesterday

A Message from the Lower house by Leiu^t Coll Levin Gale and twelve more Viz.

By the Lower house of Assembly October the 25th 1727

May it Please your Honours.

The Bill assertaining the form of the oath of Judge or Justice haveing pass'd both houses and being Ingross'd and being of the last Consequence to every freeman in Maryland and will when

U. H. J. past into a Law remove in a great measure the fears and Apprehensions the People are under least their right to the benefit of the English Law which we insist is undoubtedly Inherent in His Majesty's Subjects in this Province should be weakened or rendred in any Degree Precarious or Doubtfull by any Delay of the Governours assent and that such assent would be the greatest Encouragement Imaginable to this House to proceed with the utmost Chearfullness in dispatching all Publick Business we request your Honours will please to Concurr with us in applying to his Honour the Governour to give his assent to the said Bill

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

To which message the following answere was prepared and sent by John Hall Esqr Viz.

By the Upper house of Assembly Octor the 25th 1725

Gentlemen

In answer to your message this day by Coll Leivin Gale and twelve more of the members of your house desireing us for the reasons therein mencōned to Joyn with you in an Address to His Excellency the Governour to know his pleasure touching his assent to the bill assertaining the Oath of a Judge or Justice We are of opinion that haveing given our assent to the said Bill (not be [ing] aprized or doubtfull of His Excellencys Dissent thereto) we have we think allready Complyed with our Duty therein and therefore not think it necessary or reasonable to Joyn with your House in the said Address

Signd ꝑ order Geo. Plater Cl. Up. Ho.

Read the Petition of Richard Bennett Esqr and Mr Samuell Chamberlain of Talbot County Praying leave to bring in a Bill to charge the Real Estate of Robert Ungle Esqr with the Payment of his just Debts

Order'd that the said Petition be thus Endors'd Viz.

By the uper house of Assembly October the 25th 1727

Read and recommended to the Consideracōn of the Lower house of Assembly

Sign'd ꝑ order Geo: Plater Cl. Up. Ho.

Sent to the Lower house by John Hall Esqr

p. 25 Read the second time the Bill in favour of Levin Gale and Betty Gale

Orderd to be thus Endors'd Viz.

By the uper house of Assembly October the 25th 1727 U. H. J.

Read the second time and will Pass

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

Sent to the Lower house by John Rousby Esqr

Read the second time the Bill for the Relief of John Hans Steelman

Ordered to be thus Endors'd Viz.

By the Uper house of Assembly October the 25th 1727

Read the second time and (with the usuall Saveing Clause) this Bill will Pass.

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

Sent down by Benj. Tasker Esqr

A Bill from the Lower house by John Beale Esqr and Mr Thos Worthington for Confirming the will of Richard Wigg of Ann Arundell County thus Endors'd Viz.

By the Lower house of Assembly October the 25th 1727

Read the first and second time by Especiall order and will pass.

Signd ꝑ order M. Jenefer Cl. Lo. Ho.

Read and ordered the said bill be thus Endors'd Viz.

By the Upper house of Assembly October the 25th 1727

It appearing to this house by the Paper herewith sent that there is an heir liveing at Battersea in England, therefore this Bill will not pass

Signd ꝑ order Geo Plater Cl. Up. Ho.

Sent to the Lower house by Nicho. Lowe Esqr

Two Bills from the Lower house by Mr Warfeild & Mr Maldin Viz.

A Bill for Recording a Deed from Mary Bateman and Henry Scarborough to Richard Perry.

A Bill for Recording a Deed from Mary Orrell to John Bickerton thus Endorsd Viz.

By the Lower house of Assembly October the 25th 1727

Read the first and second time by Especiall order and will Pass.

Sign'd ꝑ order M. Jenefer Cl Lo. Ho.

Read in this house and order'd to lye on the Table.

U. H. J. The following Message is prepared and sent to the Lower house by Charles Calvert Esq^r Viz.

By the Upper house of Assembly October the 25th 1727.

Gentlemen

We have Consider'd your message by M^r Stourton and five more whereby you Declare your Dislike to the Squirrell Law propos'd by us which we still beleeve would prove the most Effectuall method for the purpose it is Design'd and that if the remaining part of the winter should prove Severe the Charge of Destroying Squirrells will not amount to near a moyety of your Computacōn and would every year be greately lessned so that after a few years moderate Expence the allowance for destroying them will be very trifling in Comparison of the great advantage the Country in Generall will certainly reap thereby and tho' the burthen at first may lie heavy on some yet as their neighbours will reap the Advantage and the Tobacco yet Circulate among us we hope you will be induced to pass the Law as we propose but if your house should yet Decline assenting to the same this house are rather inclined and Determined not to Consent to any Law on this head.

Sign'd ꝑ order Geo. Plater Cl. Upp. Ho.

Five Engros'd Bills from the Lower house by Cap^t Dasheile and M^r Kirk Viz.

p. 26 An Act for the makeing good and Valid in Law a certain Indenture or Deed of Bargain and sale from John Gray of Ann Arundell County to Theophilus Kitton late of Balt. County Planter.

An Act for the naturalization of John Samuel Minskea of the City of Annapolis and Catherine Minskea his wife and Sussana Minskea his Daughter.

An Act for the Naturalization of John Wolf of the City of Annapolis Shoemaker Hannah Wolf his wife Peter Wolf son of the said John Wolf Annelese Wolf and Hanah Wolf Daughters of the said John Wolf and Maudlin Wolf of the said City Spinster and Garrett Wolf of the said City Shoemaker.

An Act for the Speedy and Effectual Publication of the Laws of this Province and for the Encouragement of William Parks of the City of Annapolis, Printer

An Act for the erecting a Court house and Prison on the East side of Port Tobacco Creek at a Place called Chandler Town in Charles County and for makeing Sale of the old Court house and Prison severally thus Subscribed Viz.

October the 25th 1727

Read and assented to by the Lower house of Assembly and

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

Read and assented to by this house and ordered to be so Subscribed U. H. J.

The Paper bills so Severally Endorst are sent down to the Lower house by John Hall Esq^r^

Adjourn'd till to morrow morning nine of the Clock

Met again Thursday October the 26th 1727 according to Adjournm^t^

Present as yesterday with the Addicon of His Excellency the Governour and Coll. Mathew Tilghman Ward.

Read the second time the Bill for Recording a Deed from Henry Bateman and Henry Scarborough to Richard Perry as also the bill for Recording a Deed from Mary Orrell to John Bickerton

Ordered that they be severally thus Endors'd Viz.

By the Uper house of Assembly October the 26th 1727

Read the second time and will pass.

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

Sent to the Lower house by John Rousby Esq^r^

An Engros'd Bill from the Lower house by Cap^t^ John Rider and M^r^ John Pritchett Entituled an Act Declareing the bounds of two acres of land heretofore granted to great Choptanck Parish on which the Chappell of Vienna now stands thus Subscribed Viz.

October the 26th 1727

Read and assented to by the Lower house of Assembly and

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

Read and assented to by this house and order'd to be so Subscribed.

The Paper Bill so endorsed is sent down to the lower house by Benjamin Tasker Esq^r^

A Bill from the Lower house by Capt. Henry Hooper and M^r^ George Dashiel Concerning Tobacco thus Endors'd Viz.

By the Lower house of Assembly October the 25th 1727

Read the first time

Sign'd ꝑ order M Jenefer Cl Lo. Ho.

By the Lower house of Assembly Octob^r^ the 26th 1727

Read the second time and will Pass

Sign'd ꝑ order M Jenefer Cl Lo: Ho.

Read in this house and ordered to lye on the Table p. 27

U. H. J. Read the second time the Bill for payment of Fees arriseing due on the Prosecution of white Servants which shall hereafter be Imported into this Province

Ordered the said Bill be thus Endorsed Viz.

By the Upper house of Assembly October the 26th 1727

Read the second time and will Pass

Signd ꝑ order Geo. Plater Cl. Up Ho.

Sent to the Lower house by Benj. Tasker Esqr

The following message is prepared and sent to the Lower house by Phillip Lee Esqr Viz.

By the Upper house of Assembly October the 26th 1727.

Gentlemen

In answer to your message of the twenty fourth Instant by Mr Nicholas Goldsborough and five more with the Bill for Dividing St. Pauls parish in Queen Anns County this house is fully satisfied that the Inhabitants will not find the Releif Expected from the Division proposed in the said Bill and therefore insist that the Consideracōn thereof be referred to the next Session of Assembly. That a Platt of the Two Parishes may be returned to the next Session for the Satisfaction of all parties Concerned

Sign'd ꝑ order Geo Plater Cl. Up. Ho.

Read the Petition of Mary Marshall of Baltemore County widow Praying leave to bring in a Bill for Recording a Deed of Bargain and saile

Ordered to be thus Endors'd Viz.

By the Upper house of Assembly October the 26th 1727

Read and referred to the Consideracōn of the Lower house of Assembly.

Signd ꝑ order Geo Plater Cl. Up. Ho.

Sent to the Lower house by Nicholas Lowe Esqr

A Bill from the Lower house by Mr Hamilton and Mr Scot Entituled an Act impowering the Vestrymen and Church Wardens of St Pauls parish in Baltemore County to purchase land to build a Parish Church as also to Compleat and finish the same thus Endors'd Viz.

By the Lower house of Assembly October the 26th 1727

Read the first and second time by Especiall order and will Pass.

Signd ꝑ order M Jenefer Cl. Lo. Ho.

Read and ordered to lye on the Table. U. H. J.

Adjourn'd till to morrow morning nine of the Clock

Fryday October the 27th 1727 October 27

Met again according to adjournment

Present as yesterday

Read the Petition of Sarah Massey widow praying leave to bring in a bill to make good the acknowledgement of two Deeds

Ordered that the said Petition be thus Endors'd Viz.

By the Upper house of Assembly October the 27th 1727

Read and referred to the Consideracōn of the Lower house of Assembly

Signd ꝑ order Geo Plater Cl. Up. Ho.

Sent to the Lower house by John Hall Esqr

Read the second time the Bill Impowering the Vestrymen and Church Wardens of St Paul's Parish in Baltemore County to purchase Land in the said Parish to build a Church upon.

Ordered to be thus Endors'd Viz. p. 28

By the Upper house of Assembly October 27th 1727

Read the second time and will Pass

Signed ꝑ order Geo. Plater Cl. Up. Ho.

Sent to the Lower house by Coll Math Tilghman Ward.

Two Engrosed Bills from the Lower house by Mr Crabb and Mr Mathews Viz.

An Act Directing the Payment of Fees ariseing due on the Prosecution of white Servants which shall hereafter be imported into this Province.

An Act Impowering certain Commissioners to Vend and dispose of the Lands whereof Samuell Groom the younger died seized or was Mortgagee in fee or otherwise within this province as also to sell and Dispose of so much of the said Lands as will Satisfye Betty Gale and Levin Gale Executrs of the Testament of Levin Denwood late of Somersett County decēd the sume of £825..5..7 Sterl due from the said Samuell Groome the younger to the said Levin Denwood and yet unsatisfyed to the said Betty Gale and Levin Gale, his Executors thus Subscribed Viz.

October the 27th 1727

Read and assented to by the Lower house of Assembly and

Signd ꝑ order M Jenefer Cl. Lo. Ho.

U. H. J. Read and assented to by this house and order'd to be so Subscrib'd.

The Paper bill so Endorsed sent to the Lower house by John Rousby Esqr

Three Engrost bills from the Lower house by Mr Stourton and Mr Scott Viz.

An Act for the Recording a Deed Indented of Bargaine and Sale, from Mary Orrell Deced to John Bickerton of Ann Arundell County

An Act for the Recording of an Indented Deed of Bargain and Sale being the Counterpart or Duplicate of an Original Deed, of bargain and Sale from Mary Bateman and Henry Scarborough to Richard Perry.

An Act for the Releife of William Mariafarthing John Conoway William Jones John Cook Phillip Anthony Ufleman Samuell Glover Laurence Hayes John Peddicoate John Wood Thomas Hill Clarina Gilly John Glassington and Avina Butler Languishing Prisoners in severall County Goales within Province thus Subscribed Viz.

October the 27th 1727

Read and assented to by the Lower house of Assembly and
Signed ꝑ order M: Jenefer Cl. Lo. Ho.

Read and assented to by this house and are ordered to be severally so Subscribed

The Paper Bills so Severally Endorsed are sent down to the Lower house by Benjamin Tasker Esqr

Two Bills from the Lower house by Coll Maxwell and Mr Hawkins Viz.

An Act in favour of Mrs Mary Marshall widow And an Act for the naturalization of Peter Mongomery of Charles County thus Endors'd Viz.

By the Lower house of Assembly Octor 27th 1727

Read the first and second time by Especiall order and will pass
Signd ꝑ order M Jenefer Cl Lo. Ho.

Read in this house and order'd to lye on the table

Read the second time the Bill Concerning Tobacco which is ordered to be thus Endorsed Viz.

p. 29 By the Upper house of Assembly October the 27th 1727

Read the second time and will Pass
Signed ꝑ order Geo Plater Cl. Up. Ho.

Sent down to the Lower house by Benj. Tasker Esqr U. H. J.

An Engros'd Bill from the Lower house by Mr Maulding and Mr Johnson Entituled an Act for the Releife of Peter Carmick thus Subscribed Viz.

October the 27th 1727

Read and assented to by the Lower house of Assembly and
Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

Read and assented to by this house and ordered to be so Subscribed

The Paper Bill so Endorsed is sent down to the Lower house by Phillip Lee Esqr

A Bill from the Lower house by John Beale Esqr and Mr Warfeild for the Relief of William Ford thus Endors'd Viz.

By the Lower house of Assembly October the 27th 1727.

Read the first and second time by Especiall order and will Pass.
Sign'd ꝑ order M Jenefer Cl Lo. Ho.

Read in this house and order'd to lye on the Table.

Read the second time the Bill for the Speedy Conveyance of Publick and Private Letters and Packetts and Defraying the Charge thereof

Order'd that the said Bill be thus Endors't Viz.

By the Upper house of Assembly October the 27th 1727

Read the second time and will not pass
Sign'd ꝑ order Geo. Plater Cl Upp. Ho.

Sent to the Lower house by Cha. Calvert Esqr

Adjourn'd till to morrow morning nine of the Clock

Saturday October the 28th 1727 October 28

Met again according to Adjournment.

Present as yesterday with His Excellency the Governour.

The Journall of the Committee of Accounts from the Lower house by John Beale Esqr and three more thus subscribed Viz.

October the 28th 1727.

Read and assented to by the Lower house of Assembly and
Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

U. H. J. Ordered to lye on the Table.

Read the second time the Bill in favour of Mary Marshall Widow The Bill for the naturalization of Peter Mongomery of Charles County and his Children and the Bill for reliefe of William Ford.

Ordered they be thus Endorst Viz.

By the upper house of Assembly Octo^r^ the 28th 1727

Read the second time and will Pass.

Signd ꝑ order Geo. Plater Cl. Up. Ho.

Which Bills so Endors'd were Sent down to the Lower house by John Hall Esq^r^

A Message from the Lower house by James Harris Esq^r^ and Cap^t^ Hooper Viz.

By the Lower house of Assembly October the 28th 1727

May it Please your Honours.

In answer to your messuage of the 24th Instant by John Hall Esq^r^ acquainting us with His Lordships Desire that an Act may pass assertaining officers fees according to the Regulation made p. 30 in 1719 and the Act about Ordinarys Wee apprehend that there are Severall things in both acts that require Alteracons that would take much more time in Doeing then can be spared this Session therefore we have Determined to deferr the further Consideracōn of the Subject matter of your said message untill another Session

Signd ꝑ order M Jenefer Cl. Lo. Ho.

To which the following answere was prepared and Sent by John Rousby Esq^r^

By the Upper house of Assembly October the 28th 1727

Gentlemen

On Reading your message of this Day by James Harris Esq^r^ and Cap^t^ Hooper in answer to ours of the 24th Instant relateing to Officers fees and the Regulation of Ordinarys we are of opinion that the deferring the Consideracōn thereof till the next Session of Assembly will be attended with many ill Consequences for there being no Law provided to assertain what fees the Officers shall have or the People be oblidged to Pay Continual disputes will hapen between them, which in all likelyhood will produce many troublesome Law Suites and much Increase fees and other Charges upon the People besides many other difficulty's that may occurr, in haveing recourse to the Severall Offices, and as many disorders and abusess happen in Ordinaryes (tho restrain'd by a Law) we apprehend there will be many more when not under any such Regulation, which Evills we once more desire your house will be pleased to Concurr with ours in Endeavouring to prevent as propos'd by our former message

Sign'd ꝑ order Geo. Plater Cl. Up. Ho.

An Engrosd Bill from the Lower house by Capt. Dasheile & Mr Scot Viz.

An Act Impowering the Vestrymen and Church Wardens of St Paul's Parish in Baltemore County to purchase one or more acres of land in the said Parish and to build a Parish Church thereon as also for raiseing a fund to Compleat and finish the same thus Subscribed Viz.

October the 28th 1727

Read and assented to by the Lower house of Assembly and

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

Read and assented to by this house and ordered to be so Subscribed

The Paper Bill so Endorst is sent to the Lower house by John Hall Esqr

A Message from the Lower house by Cap. Hooper and Dasheil Viz.

By the Lower house of Assembly October the 28th 1727

May it Please your Honours.

The Place of Treasurer of the Eastern Shoare being vacant by the Death of Robert Ungle Esqr late Treasurer there we have Unanimously chosen Mr James Hollyday a member of this house to Supply that place to which we desire your Honours Concurrance he giveing good Security for the Due performance of the same.

Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

To which the following answer was prepared and sent by Coll Matt. Tilg. Ward

By the Upper house of Assembly October the 28th 1727

Gentlemen

This House Concurs with your house in the choice of Mr James Hollyday as Treasurer of the Eastern Shoare he giveing Security as usuall.

Signd ꝑ order Geo: Plater Cl. Up. Ho.

U. H. J. The following message is prepared and sent to the Lower house by Phillip Lee Esq^{r}

By the Upper house of Assembly October the 28th 1727

Gentlemen

We think it necessary to Continue our Claim to the 150 of Tobacco ꝑ Day of long time passt allowed us for our Services as p. 31 Councellors of State which wee have been so Unhappy of late in your Estimation as not to be thought worthy of

Signd ꝑ order Geo Plater Cl. Up. Ho.

The following message is prepared and sent by Benjamin Tasker Esq^{r} Viz.

By the Uper house of Assembly October the 28th 1727

Gentlemen

The Act Prohibiting the Importacōn of Bread Beer &c. from Pensilvania being thought by this house a hardship upon Trade and of no use or Service to the Country We therefore recommend to the Consideration of your house whether the same ought not to be repeal'd.

Signd ꝑ order Geo. Plater Cl. Up. Ho.

A Message from the Lower house by John Beale Esq^{r} and three more

By the Lower house of Assembly October the 28th 1727

May it Please your Honours

If your house will to prevent the Evills you mention Concerning Officers fees pass a Bill for the Limitation of them according to the last Regulation for a year from the end of this Session we shall agree to it And as to the Ordinary Keepers we apprehend the English Laws are Sufficient to punish them for any Irregularity's they shall Committ if your Honours do not agree to these Proposalls things must Continue as they are untill another Session our House haveing resolved not to come into any other measures at present

Signd ꝑ order M. Jenefer Cl. Lo. Ho.

Read the Bill for Releife of John Clements of Dorchester County Ordered that the said Bill be thus Endors'd Viz.

By the Upper house of Assembly October the 28th 1727

Read the first and second time by Especiall order and will Pass.

Sign'd ꝑ order Geo: Plater Cl. Up. Ho.

Sent to the Lower house by Cha. Calvert Esqr U. H. J.

An Engros'd Bill from the Lower house by Capt. Dent and Gordon Entituled

An Act Concerning Tobacco thus Subscribed Viz.

October the 28th 1727

Read and assented to by the Lower house of Assembly and
Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

Read and assented to by this house and ordered to be so Subscribed

The Paper Bill so Endors'd is sent down to the Lower house by Nicholas Lowe Esqr

A Message from the Lower house by Mr Walter Smith and Mr Pemberton Viz.

By the Lower house of Assembly October the 28th 1727

May it please your Honours

It has been already propos'd in our house to repeale the Act Prohibiting the importacōn of Bread Beer &c and Voted it should not be repealed of which opinion the Majority of this house still Continues

Signd ꝑ order M Jenefer Cl. Lo. Ho.

A Bill from the Lower [House] by Leiut Coll Gale and Mr Benj. Mackall thus Endors'd Viz.

An Act for the Releife of John Clements of Dorchester County thus Endors'd Viz.

By the Lower house of Assembly October the 28th 1727

Read and will not Pass.

Signd ꝑ order M. Jenefer Cl. Lo. Ho.

Three Engros'd Bills from the Lower house by Capt. George Dent and Mr Mauldin Viz.

An Act for the naturalization of Peter Mongomery of Charles County Planter and his Children

An Act for the makeing good and Valid in Law a Deed Indented duely Executed and acknowledged but not Recorded from James Presbury and Martha his wife to William Marshall and Mary his wife p. 32

U. H. J. An Act to Confirm to William Ford of Ann Arundell County two Tracts of land herein after mencoñed thus Subscribed Viz.

October the 28th 1727

Read and assented to by the Lower house of Assembly, and
Signd ꝑ order M Jenefer Cl. Lo. Ho.

Read and assented to by this house and order'd they be severally so Subscribed

The Paper Bills so severally Endors'd are sent down to the Lower house by Coll William Holland

A Message from the Lower house by Mr Pemberton and Mr Edward Wright Viz.

By the Lower house of Assembly October the 28th 1727

May it Please your Honours

We think it absolutely necessary not to recede from our former Resolutions of not allowing the Tobacco mentioned in your Message by Philip Lee Esqr because there is no Law to Burthen the People with such a Charge.

Sign'd ꝑ order M. Jenefer Cl. Lo. Ho.

A Message from the Lower house by Leiut Coll Gale and Mr Justinian Jordain Viz.

By the Lower house of Assembly October the 28th 1727

May it please your Honours.

Haveing no Publick business before us we Desire your Honours would please to return us the Journall of Accounts that we may thereby fill up the Bill for laying and assesing the Publick Levy.

Signd ꝑ order M Jenefer Cl. Lo. Ho.

An Engros'd Bill from the Lower house Entituled An Act for the Releif of John Hans Steelman in makeing Valid and Effectuall a certain Deed of Bargain and Saile from Thomas Edmonds of Baltemore County and Henry Bourne of Cecill County to John Hans Steelman thus Subscribed Viz.

October the 28th 1727

Read and assented to by the Lower house of Assembly and
Signd ꝑ order M Jenefer Cl. Lo. Ho.

Read and assented to by this House and order'd to be so Subscribed

The Paper bill so Endors'd is sent to the Lower house by John Hall Esqr U. H. J.

Read the Journall of the Committee of Accounts which is ordered to be thus Endorsed Viz.

By the upper house of Assembly October the 28th 1727

Read and assented to by the upper house of Assembly and Sent to the lower house by Coll Mat. Tilgh. Ward.

A Bill from the Lower house by John Beale Esqr and three more for payment and assesment of the Publick Charge of this Province for this present year 1727 thus Endorsed Viz.

By the Lower house of Assembly October the 28th 1727

Read the first and second time by Especiall order and will pass.
Signd ꝑ order M Jenefer Cl. Lo. Ho.

Read and ordered to lye on the Table

Adjournd till Monday morning nine of the Clock

Monday October the 30th 1727 October 30

Present p. 33

His Excellency Benedict Leonard Calvert Governour

The Honble	Coll William Holland	Benj. Tasker Esqr	Members of the Uppr House
	John Hall Esqr	Phil Lee Esqr	
	Phile Loyd Esqr	Rich. Lowe Esqr	
	Coll Matt. Tilg. Ward	Cha: Calvert Esqr	

Read the Bill for the releife of John Clements which is ordered to be thus Endors'd Viz.

By the Upper house of Assembly October the 30th 1727

The within mentioned John Clements haveing allready had two acts of Assembly made for his Releasement which he hath lost the benefit of (not by any Neglect or omission of his own as we have been inform'd but by Unavoidable accidents) we cannot conceive for what reasons your house should now refuse to pass this bill therefore again Recommend the same to your Consideracōn and desire it may pass

Signed ꝑ order Geo Plater Cl. Up. Ho.

Sent so Endors'd to the Lower house by Benjamin Tasker Esqr

Read the second time the Bill for assessment of the Publick Charge of this province for this present year 1727

U. H. J. Order'd to be thus Endors'd Viz.

By the upper house of Assembly October the 30th 1727
Read the second time and will pass
Sign'd ℘ order Geo. Plater Cl. Up. Ho.

Sent to the Lower house by Phillip Lee Esqr

A Bill from the Lower house by Mr. Nicho Goldsborough for releife of John Clements of Dorchester County thus Endorst Viz.

By the Lower house of Assembly October the 30th 1727
Read and will not pass
Signd ℘ order M Jenefer Cl. Lo. Ho.

A Bill from the Lower house by Coll Thos Truman Greenfeild and Mr Ralph Crabb Entituled an Explanatory Act to the Act for raiseing a Duty of three pence ℘ hhd on Tobacco Exported for the uses therein mentioned thus Endors'd Viz.

By the Lower house of Assembly October the 30th 1727
Read the first and second time by Especiall order and will pass
Signd ℘ order M. Jenefer Cl. Lo. Ho.

Read in this house and order'd to be thus Endors'd Viz.

By the Upper house of Assembly Octor the 30th 1727
Read the first and second time by Especiall order and will not Pass
Signd ℘ order Geo. Plater Cl. Up. Ho.

Which Bill and following Message was sent to the Lower house by Phillip Lee Esqr

By the Upper house of Assembly October the 30th 1727
Gentlemen

This house being of opinion that the Act Entituled an Act for raiseing a Duty of three pence ℘ hhd and appropriateing three half pence out of the three pence ℘ hogshead afd to the use of Charles Calvert Esqr our late Governour needeth no Explanation and therefore this house think the Explanatory Act for that Purpose transmitted to us from your house to be unnecessary
Sign'd ℘ order Geo. Plater Cl Up Ho.

A Messuage from the Lower house by Mr Vachel Denton and Mr Wilmer Viz. U. H. J.

By the Lower house of Assembly October the 30th 1727 p. 34

May it Please your Honours

We were and are Satisfied of Coll Calverts Right to the three half pence a hhd and we prepared the Bill to Satisfye the Navall Officers that they might Safely Pay it to him and not to remove any scruple of our own But since your Honours are of opinion that the matter is so Clear as to make the Explanatory Act propos'd Needless we Concurr with your Honours therein

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

An Engrosd Bill from the Lower house by John Beale Esqr and Capt Henry Hooper Entituled an Act for the Payment and assesment of the Publick Charge of this Province for this present year 1727 thus Subscribed Viz.

October the 30th 1727

Read and assented to by the Lower house of Assembly and

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

Read and assented to by this house and order'd to be so Subscribed

The Paper Bill so Endors'd is sent down to the Lower house by Nicholas Lowe Esqr

The List of Private Bills as Taxed by the Lower house is read and approved of by this house and Resolved that Mr Geo. Plater Clk of this house be allowed such fees on the same as are allow'd to the Clk of the Lower house this Session

A Message from the Lower house by Mr John Chairs and Capt John Elliot Viz.

By the Lower house of Assembly October the 30th 1727

May it Please your honours.

This House haveing taken in Consideracōn the loss on the Sale of Bills of Exchange in the Country that arrise on the Severall impositions for defraying the Publick Charge think it more advantageous that the Treasurers remitt the Bills to some responsible Merchant in London to be negotiated for the Countrys use by which we expect to save at least two and an half ꝑ Cent. Wherefore we have Resolved the Bills shall be remitted accordingly and have agreed upon Mr William Hunt to be the Merchant to Negotiate them wherewith we Desire your Concurrence.

Signd ꝑ order M Jenefer Cl. Lo. Ho.

U. H. J. To which the following answere was prepared, and sent by Coll Matt. Tilgh. Ward.

By the Upper house of Assembly Octo^r^ the 30th 1727

Gentlemen

This house Concurrs with you in your message this Day by M^r^ John Chair's and Cap^t^ John Elliot relateing to the negotiateing the Bills of Exchange for the Countrys use

Signd ꝑ order Geo. Plater Cl. Up. ho.

A Message from the Lower house by John Beale & Vachel Denton Esq^rs^ Viz

By the Lower house of Assembly October the 30th 1727

May it please your Honours

This House does appoint John Beale and Vachel Denton Esq^rs^ to be join'd with such a member of your house as you shall appoint to be a Committee to apportion the Publick Levy for this present year

Sign'd ꝑ order M Jenefer Cl. Lo. Ho.

To which the following answere was prepared and sent by John Hall Esq^r^ Viz.

p. 35 By the Upper house of Assembly October the 30th 1727

Gentlemen

In answer to your message this Day by John Beale & Vachel Denton Esq^r^ this house does appoint Benjamin Tasker Esq^r^ a member of this House to Join John Beale and Vachel Denton Esq^r^ members appointed by your House in a Committee to apportion the Publick Levy for this present year

Signd ꝑ order Geo. Plater Cl. Up. Ho.

The following message was prepared and sent to the Lower house by John Hall Esq^r^

By the Upp^r^ House of Assembly Oct^r^ the 30th 1727

Gentlemen

We Desire you would Send two of the Members of your house to see the Laws (that have pass'd the two Houses) Sealed that they may be Carried to your House in order to be Presented by your Speaker to His Excellency the Governour for his assent thereto at the Close of this Session

Signd ꝑ order Geo. Plater Cl. Up. Ho.

Thereupon Coll Thomas Trueman Greenfeild and John Beale

Esq^{r} from the Lower House attend in the Conferrance Chamber U. H. J. to see the Laws seal'd which were afterwards Carried to the Lower house by the said Greenfeild and Beale

The following Address to His Majesty being Signd by His Excellency and the Councill was sent to the Lower house by Philip Lee Esq^{r} Viz.

To the Kings most Excellent Majesty

The Humble Address of the Governour and Uper and Lower Houses of Assembly in the Province of Maryland.

Most Gracious Sovereign

We your Majestys most Dutifull and Loyall Subjects the Governour and the uper and Lower houses of Assembly in Maryland now Convened beg leave to Express the deep Sence we have of our great loss by the Death of your Royall father King George the first of Blessed Memory a Prince of most Heroick and inestimable Vertues under whose Administration our pure and holy Religion was Supported and Piously Propagated our Laws Liberties and Propertyes maintained and Strenuously defended and all other Blessings that a free People could Expect from the best of Kings dispenced among us The Reflection of his Death makes us Justly lament our Tears due to our late most Gracious Sovereign, and after haveing paid this Duty to his Glorious Memory, Joyfully to offer our most Sincere Congratulacons for your Majesty's Accession to the Throne of your Royall Ancestors And to assure your Majesty that we have not the least reason to Doubt our being equally happy under Your Majestys Administration, the Vertues of your great and Royall father being Inherent in your Majesty, and we most Earnestly beseech your Majesty to beleeve (altho' at this Distance from your Royall Presence) none of your Majesty's Subjects can have a more awfull and Just regard for your Majesty then the People of this Province and we Devoutly pray that the great and Divine being will Shower down Blessings on your Majesty, Your most Pious and Illustrious Consort, and your Royall Progeny, to be a Blessing to your Kingdoms till time shall be no more.

This our Condolance for our late, most Gracious Soveraign our p. 36 Congratulation for Your Majesty's happy accession and our fervent Prayer for the Succession in your Illustrious line we most humbly Implore your Majesty to accept from the hands of our Noble Lord Proprietary whose attachment to your Royall Person Crown and Governm^{t} we presume is well known to Your Majesty We are

May it Please Your Majesty
Your Majestys most Dutyfull
obedient Loyall Subjects and
Servants.

U. H. J. Coll Thomas Trueman Greenfeild and John Beale Esq^r bring up the Address to His Majesty Sign'd by the Members of their house and acquaint His Excellency that there House had nothing before them

Whereupon Coll Holland is sent to the Lower House to acquaint the Speaker and the whole house that His Excellency requires their Attendance to see the Laws Enacted this Session receive the assent.

Forthwith M^r Speaker and the whole House attend and by their Speaker Present to His Excellency the following Laws which were signed and assented to (on behalf of the Right Honble the Lord Proprietary of this Province) by His Excellency the Governour and sealed with His Lordships Great Seale at Arms Viz.

N° 1. An Act for assertaining the Form of the Oath of Judge or Justice.

2 An Act directing the payment of fees ariseing due on the Prosecution of white Servants which shall hereafter be imported into this province

3. An Act giveing Encouragement to make Hemp within this Province

4. An Act reviveing and Continueing an Act of Assembly Entituled An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law.

5. An Act reviveing and Continueing an Act of Assembly Entituled an Act for the Advancement of Justice

6. An Act reviveing an Act Entituled an Act for the Tryall of all matters of Fact in the Severall County's where they have arisen or shall arrise the Continuance of Causes in the Provinciall Court and adjournment of that Court with the Supplementary Act thereto and to amend some Defects in the said Acts.

7. An Act Concerning Tobacco

8. An Act for the Speedy and Effectual Publication of the Laws of this Province and for the Encouragem^t of William Parks of the City of Annapolis printer

9. An Act Declareing the Bounds of two acres of land heretofore granted to great Choptank Parish on Which the Chapell in Vienna now Stands.

10. An Act Impowering the Vestrymen and Church Wardens of S^t Pauls Parish in Baltemore County to Purchase one or more acres of land in the said Parish and to build a Parish Church thereon as also for raiseing a fund to Compleat and finish the same

11. An Act for Erecting a Court house and Prison on the East side of the head of Port tobacco Creek at a place called Chandler Town in Charles County & makeing Sale of the old Court house and Prison.

12. An Act for the Naturalization of Francis Ludolph Bodien of Kent County Chururgeon & his Children U H. J. p. 37

13. An Act to make Valid a Deed of Bargain and Sale from William Rogers and Mary his wife to John Teneson of Charles County when Recorded.

14. An Act for the Naturalization of Daniel Maynadier of Talbott County Clk & his Children

15. An Act for makeing good and Valid a certain Indenture or Deed of Bargain and Sale from Bartholomew Atkinson and Sebere his wife late of Baltemore County to John Hurd of Ann Arundell County

16. An Act for the makeing good and Valid in Law a certain Deed of Bargain and Sale from John Bowen of Prince Georges County to John Frazer of Calvert County Marriner

17 An Act for the naturalization of John Wolf of the City of Annapolis Shoemaker Hanah Wolf his wife Peter Wolf the son of the said John Wolf Annelesse Wolf and Hannah Wolf daughters of the said John Wolf and Maudlin Wolf of the said City Spinisters and Garret Wolf of the said City Shoemaker.

18. An Act for the naturalization of John Samuell Minskea of the City of Annapolis Blacksmith and Katherine Minskea his Wife and Susanna Minskea his Daughter.

19. An Act for the makeing good and Valid in Law a certain Indenture or Deed of Bargain and Sale from John Grey of Ann Arundell County to Theophilus Kitton late of Baltemore County Planter

20. An Act Impowering certain Commissioners to Vend and dispose of the Lands whereof Sam^{ll} Groom the younger died seized or was mortgagee in fee or otherwise within this province as also to sell and dispose of so much of the said Lands as will Satisfye Betty Gale and Levin Gale Executors of the Testament of Levin Denwood late of Somersett County Deced. the sume of £820..5..7 Sterl due from the said Samuell Groom the Younger to the said Levin Denwood and yet unsatisfyed to the said Betty Gale, and Levin Gale his Executors.

21. An Act for Relief of William Mariafarthing a languishing Prisoner in S^{t} Maries County John Conaway William Jones John Cook Phillip Anthony Ufleman Samuel Glover and Lawrence Hays languishing Prisoners in Ann Arundell County John Peddicoate a languishing Prisoner in Baltemore County John Wood a languishing Prisoner in Ann Arundell County Thomas Hill a languishing Prisoner in Talbott County Clarina Gilly a languishing Prisoner in Calvert County John Glassing a languishing Prisoner in Baltemore County and Avineo Butler a languishing Prisoner in Talbott County.

U. H. J. 22. An Act for the Recording of a Deed Indented of Bargain and Sale from Mary Orrell Decēd to John Bickerton of Ann Arundell County

23. An Act for the Recording an Indented Deed of Bargain and Sale being the Counter part or Duplicate of an Originall Deed of Bargain and Sale from Mary Bateman and Henry Scarborough to Richard Perry.

24. An Act for the Relief of Peter Cormick

25. An Act for the Naturalization of Peter Montgomery of Charles County Planter and his Children

26. An Act to Confirm unto William Ford of Ann Arundell County two Tracts of land herein after mentioned.

p. 38 27. An Act for the makeing good and Valid in Law a Deed Indented duely Executed and acknowledged but not Recorded from James Presbury and Martha his wife to Will^m^ Marshall and Mary his wife

28 An Act for the Reliefe of John Hans Steelman in makeing Valid and Effectuall certain Deeds of Bargain and Sale from Thomas Edmonds of Baltemore County and Henry Bourne of Cecill County to John Hans Steelman

29. An Act for the Payment and assessment of the Publick Charge of this Province for this present year 1727.

After which his Excellency was pleas'd to Conclude the Session in the manner following Viz.

Gentlemen of both Houses of Assembly.

The Session is now Come to a Conclusion and I hope you are all Satisfied that nothing can abate my good will to the Country not even the greatest Disregards to my Person and Station. Do but persevere in your Duty to his Sacred Majesty and your Lord Proprietary and you may be assured no unkindness towards myself shall ever lessen my wishes and Endeavours for your Welfare and Prosperity

Then His Excellency was pleased (with the advice of His Lordships Councill) to Prorogue the Assembly to the third Tuesday in March next.

Thus Endeth the fourth Session (of the Generall Assembly of this Province by Severall Prorogations and Adjournments) begun and held at the City of Annapolis on the 10th Day of October 1727, and ending the 30th Day of the same month in the first year of the Reign of our Sovereign Lord George the second and in the thirteenth year of the Dominion of the Right honble Charles absolute Lord and Proprietary of the province aforesaid annoq Dom. 1727

Geo: Plater Cl. Up. Ho.

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

October 10–*October* 30, 1727

L. H. J.
Original
October 10
p. 1

Maryland ss.

At a Session of Assembly by Prorogation from the 25th of [July] 1726–Last) begun & Held at the City of Annapolis in Annarundel County on Tuesday the Tenth Day of October Ano Domini 1727 Appeared in the Lower House of Assembly of the same Province The following Members, viz:

The Honourable Jno Mackall Esqr Speaker

For St. Marys Coty
Collo Thos Truman Greenfield
Capt Justn Jordan
Mr Thos Waughop

For Kent County
James Harris Esqr
Mr Simon Willmer
Mr Philip Kennard
Mr Eben: Blackiston

For Annarundel County
Jno Beale Esqr
Mr Richd Warfield
Mr Thos Worthington

For Calvert County
Mr Benjamin Mackall
Mr Walter Smith
Majr Adderton Skinner

For Charles County
Capt George Dent
Mr Henry Holld Hawkins

For Somersett County
Majr Robt King
Capt George Dashield
Coll: Levin Gale
Wm Stoughton Esqr

For Talbott County
Mr Nicholas Goldsborough
Mr Benjamin Pemberton

For Dorchester County
Capt Henry Hooper
Mr Edward Pritchet
Capt Jno Rider
Mr Jno Kirke

For Cecil County
Lt Coll: Ephra: Aug: Herrman
Coll: Jno Ward
Maj. Francis Malden
Mr Thos Johnson

For Baltemore County
Collo James Maxwell
Mr Wm Hamilton
Mr Daniel Scott
Mr Roger Matthews

For Prince Georges Coty
Mr Ralph Crabb
Mr Thos Gant
Lt Coll: Jos: Belt
Mr John Magruder

For the City of Annapolis
Robt Gordon Esqr
Vachel Denton, Esqr

For Queen Anns County
Mr Edward Wright
Mr Solomon Wright
Mr Jno Chairs
Capt Willm Elliot

L. H. J. Who being a sufficient Number to make an House Coll° Mackall & Col° Maxwell are sent to the Upper House to acquaint his Hon^{r} the Governour thereof

They return and Say they delivered . . . Col° Ward & Benja-
p. 2 min Tasker Esq^{r} from the upper House [with] [Geo.] Plater Gent the Clk of the Upp^{r} House Enter the House and Administer the Severall Oaths appointed by Act of Assembly to the severall Members aforementioned who Severally took the same and Subscribed the same as also the Test, and withdrew

Jn° Rousby and Nicholas Low Esq^{rs} from the upper House acquaint the House that his Hon^{r} the Gov^{r} requires their Attendance in the Upper House imēdiately.

Thereupon the Severall Members af^{d} go to the Upp^{r} House where his Hon^{r} the Govern^{r} requires them to return to their own House and make Choice of a Speaker in the Room of Robert Ungle Esq^{r} decēd.

They return and proceed to the Choice of a Speaker & by the Majority of Voices Elect the Honourable John Mackall Esq^{r} for their Speaker and Place him in the Chair.

Thereupon Coll° Greenfield & Coll: Maxwell are Sent to the Upper House to acquaint his Honour the Governour of the Choice of a Speaker. Coll: Holland & Jn° Hall Esq^{r} from the Upper House, acquaint the Several Members that His Honour the Governour requires them to Present their Speaker & to Attend him Instantly in the Upper House.

Thereupon Coll° Greenfield & Coll° Maxwell are Desired to Present their Speaker who Go with the whole House to the Upper House & there Present their Speaker to his Honour the Gov^{r} who (after M^{r} Speaker had Endeavour'd to Excuse himself from Serving in that Station) was Pleas'd to Approve of the Choice and then M^{r} Speaker in the name of the whole House Desired his Hon^{r} the Governour on his Lddps Behalf to Confirm all the Ancient & Accustomed Priviledges belonging to the said House, which his Honour was Pleased to Grant.

After which his Honour the Governour on his Lpps Behalf Deliver'd the following Speech Viz: [The text of this speech will be found at page 4.]

p. 4 The further Consideration whereof is referr'd till to morrow

Ordered that M^{r} Speaker issue his Warrant to Secretary for the making out new Writts of Election viz.

To the Sheriff of Anne Arundell County for the electing a new Member to serve in the room of Thomas Bordley Esq^{r} decēd.

To the Sherriff of Charles County for the electing a Member to serve in the room of Cap^{t} Joseph Harrison decēd.

To the Sheriff of Talbot County for the electing a Member to serve in the room of the hon̄ble Robert Ungle Esqr decēd. L. H. J.

Ordered that Capt. Jordan and Mr Waughop go to the Upper House to see Michael Jenifer the Clerk of this House qualified. They return & say they see him Qualified

Ordered that the Clerk of the House apply himself to Vachel Denton Esqr for what Paper and Ink powder he shall Want for the Use of the Publick

The House adjourns till to Morrow Morning Eight of the Clock.

Wednesday Octor the 11th 1727

October 11
p. 8
Imperfect contemporary copy

The House met .....

The Rules of .... Octobr Assembly .... Ordered to be .....

For the Committee of Elections & Priviledges. Mr Walter Smith, Mr Benjamin Mackall William Stoughton Esqr Colo Ephraim Augustain Herrman & Mr Roger Mathews.

Who are all Sent out Accordingly.

Vachel Denton Esqr on his Motion has the Leave of the House to be Absent for some small time

Resolved that this House will Sit to do Business from Nine in the Morning till four in the Afternoon.

And thereupon the following Message is Prepared. [The text of this message will be found at page 7.]

Sent to the Upper House by Colo Ward & Robert .... p. 9

They return and say they delivered it.......Pemberton appears in the House .... Goldsborough and Capn .... to see him Qualified......Upper House delivers....Assembly October..... Colo John Ward.

.... Again the Govrs Speech this day The Question was put whether the Assize Law shall be Continued or not. It was Carried in the Affirmative.

The House Adjourns till to Morrow Morning Nine a Clock.

Thursday Octr the 12th 1727

October 12

The House meets According to Adjournment

Yesterday's Proceedings are read.

The Peto of John Yoe of Calvert County Praying leave to bring in a Bill for Confirming a Deed from Daniel Sulivan & Prescilla his Wife duly executed & Acknowledged but not Recorded was read & leave given to bring in a Bill for his relief.

Whereas Majr Nicholas Sewall of St. Mary's County heretofore

L. H. J. by Agreem^t^ w^th^ this House for thirty thousand Pounds of Tob° Paid him by the Publick Engaged himself to Convey to the Publick for the Use of the Indians of Choptank a Tract of Land Called Indian Neeck.

p. 10 Resolved that a Deed be Accordingly Prepared. The Petition of William Maria [Farthing] . . . . Prisoner in Saint Mary's . . . . . . of the . . . . Justices of the . . . . . . Question was . . . . . . relieved or . . . . .

Thereupon . . . . . M^r^ John Magruder . . . . from Prince Georges County . . . . . We also having Examined . . . . . for M^r^ Ebez^r^ Blackistone a Member return'd to this Session from Kent County, do find him duly Elected.

Sign'd ꝑ Ord^r^ John Gibson Cl. Com.

The Answer to the Governour's Speech was read and Approved of, & Ordered that M^r^ Beale & Capt. Dent go to his Hon^r^ the Governour & Desire to know where he will be Pleas'd to receive the Same.

They return and say that his Hon^r^ will receive the Same in the Conference Chamber at three o'Clock in the Afternoon.

The Petition of Vincent Lowe and Eliz^a^ his Wife was read and referr'd till Next Sessions & ordered that all Parties Concern'd have notice that if they think they may appear next Sessions to answer the same.

On reading the Reference from last Sessions relating to Charles County Court House Leave is Given to bring in a Bill for Removing the Court House to Chandler Town.

p. 11 . . . . . the Reference from Last Sessions On the . . . . . . the Inhabitants of S^t^ Paul's Parish . . . . and the return of the Ordinance . . . . . in a Bill Accordingly. . . . . . referr'd from last . . . . to bring in a Bill as Pray'd . . . . sent by Col° . . . . & is Ordered to be.

[To the Honourable Benedict Leonard Calvert, Esq., Governour of Maryland.

The Humble Address of the House of Delegates.

May it please Your Honour:]

[We his Majesty's most] dutifull and Loyal Subjects [the Representatives of the] Freemen of Maryland, [acknowledge the Favour of] Your Kind Speech to both Houses [at the Opening this] Session, & are truly thankfull to you for the [Honour you] have done us, by Causing our Present most Gracious Soverign to be Proclaimed here after the most Magnificent Manner.

Your Laudable Example herein has in the Several Counties of the Province as far as Could well be Expected, been followed, & we that we may not be wanting to our Selves and Country shall Heartily Concur with you not only in a Loyal Address to his Majesty to be Presented as you advise but in Doing Every Other thing that may Manifest our Just Sense of the Innumerable Blessings we Enjoy Under the Present most happy Establishment. L. H. J.

The Satisfaction you are Pleas'd to Express Your Reception in this Province affords us the Greatest Joy and Encourages us to Persist in our Loyalty to our Soveraign, Our Duty to our Lord Prōpry, and you their Favourable and worthy Representative, whereby we hope we shall be so fortunate as to Preserve Your Esteem.

The Hon^r and Service of Almighty God and his Holy Religion is what we have [the greatest Inclination] to Promote and Doubt not [but with your Excellency's assistance] we shall find ways [to encourage as well the Clergy as] the Laity to be [more exemplary in their Lives and] Conversations [than they now are.] p. 12

[The Improvement of Our Staple has often been attempted, tho' with little Success; but since Your Honour's pleas'd to recommend it to Us, We shall in that and the other Things taken Notice of in your Speech, exert Ourselves to advance the real Interest of our Lord Proprietor and Country.

The kind Caution You gave, concerning our Publick Records, is what We shall always gratefully remember; and take Care to have the Records so far separated, that both the Old and New may not be subjected to Loss by one Fire or other fatal Accident.]

We Acknowledge [ourselves to be very much indebted to] Your Honour for [so earnestly recommending to Us the] Pursuit of our Real Interest [and avoiding Strife] & Contention, and we Assure your Honours [We will] follow the Wholesome Advice given us [therein], as well as Discountenance to the Utmost of our Power; such as would Create Misunderstandings & Differances between the Lord Proprietor and the People being Convinced that such are not friends to Either, Let their Pretences be what they will. We Confess that his Lordship has frequently declared his having the Good of the Province at heart and that he was Resolved to Support the People in their Just Rights & Priviledges and we Question not the Sincerity of his Lordships Intentions; Yet we Cannot but with Grief Observe that such is the Power of the Enemies of our Constitution & Happiness, with his Lordship, that his Most Generous and best Inclinations towards us have been Frustrated by their Malignant Influence and Pernicious Counsels.

This may it Please Your honour is a Melancholy truth & too Manifestly Proved by his Lpps Dissent to the Law Prescribing the Oath of Judge within this Province & the Attempting to Deprive p. 13
us of the benefit [of the English] Statutes tho' Essential to the very being of [our Liberties and Properties] should we Pass these things

L. H. J. [unregarded or omit any] thing in our Power to Transmit [to Posterity the same Liberties] we Derive from the [Laws of our Mother Country] and the Ancient Rights [of British Subjects, it would be] an Infatuation indeed [and such a Breach of our Duty and] Treachery to those we [represent, as would make our Names] & Memory Odius [and entail Infamy as well as Misery] upon our [Descendants. But we purpose by the] Divine Permission [to avoid these evils by a faithful and] Resolute Discharge [of our Duty, in supporting his Lordships] Just Perogatives [and our just Rights and confounding] as much as in us [lies the Machinations and Artifices of] the Enemies of [us both]....of the House

Jn° Mackall, Speaker

James ——— Esqr on his Motion is Admitted to Join in the Petition of Robert Dunn and others Relating to a Tract of Land Called Arcadia Referr'd from Last Sessions and Ordered that the same be heard Friday the 20th Instant.

Resolved that the Assize Law be Revived wth Amendments

The House Adjourns till to Morrow Morning Nine a Clock.

October 13 Friday October the 13th 1727

The House Meets According to Adjournment.

Yesterdays Proceedings are read.

Resolved on the Motion of Col° Gale that a Bill for Advancing the Staple of Tob° be brought in. On the Motion made the Question was Put, whether a Bill for Distroying Squirrels shall be brought in Whereby the severall Taxables shall be Obliged to bring in Six or Eight Squirrels Heads ꝑ Poll.

p. 14 And Carried by Majority of Votes ...... Poll, and Ordered the Bill ......

On the Motion ..... the Act for Distroying .... with Allowances ..... ꝑ head .... former ....And it ..... two .... Esqr Rousby....Petitions Viz....John Cooke, Lawrence [Hays] [Samuel] Glover, and John Wood of.....John Peddicote & Chris: Gardner of Baltemore County & Peter Brumfield of Prince Georges County all Languishing Prisoners in the Goals of these Counties with the following Endorsments thereon, Viz.

By the Upper House of Assembly Octr 13th 1727.

Read and Refer'd to the Consideration of the Lower House of Assembly.

Sign'd ꝑ Ordr Geo. Plater Cl. Up. Ho.

Which being read Leave is given to bring in a Bill for Relief of

W^{m} Jones, John Cooke, John Peddicote John Connaway, Lawrence L. H. J.
Hays & Sam^{l} Glover. But as to Phillip Anthony Uffleman; The Question was Put whether a Bill shall be brought in for his relief or not, and it was Carried in the Negative.

And as to Chris: Gardner's Petition it is read and Rejected.

Ordered that the Copy of the Resolve of the last Assembly Relating to Poor Prisoners be made out in Order for the Printer
to Transmit the same to the severall .... with the Laws of this p. 15
Session's .... Maj^{r} Harris Coll^{o} Gale & Cap^{n} Rider are.... .....of the Upper House as shall be by........to Inspect the Proceedings ...... the Publick Records & ...... the following Message is ... [The text of this message will be found at page 11.]

Sent ꝑ ——— Appointed to the Upper House. They return and say they Deliver'd it.

The Petition of Francis Ludolph Bodeen of Kent County Chirurgeon and of Sam^{l} Mynskea John Wolf & their Children Praying Leave to bring in a Bill for their Naturalization Leave is given to bring in a Bill. Therefore on Qualifying themselves According to Law. . . Robert Gordon Esq^{r} Report that they have Qualifyed themselves Leave is Given to bring in a Bill thereon.

The Petition of John Tennison Praying leave to bring in a Bill for Confirming a Deed from W^{m} Rogers Gent. and Mary his Wife to him made for one hundred and thirty five Acres of Land was Read and Leave Given to bring in a Bill Accordingly.

The Hoñble Philemon Lloyd & Charles Calvert Esq^{r} from the Upper House delivers M^{r} Speaker the following Message Viz. [The text of this message will be found at page 11.]

Which was read and rejected. p. 16

The Bill for Dividing S^{t} Paul's Parish in Queen Anns County read the first time and Ordered to lie on the Table.

M^{r} Speaker Communicates to the House his Honour the Governours Answer to the Address of this House Viz.

Gentlemen

Nothing can be more Pleasing to me, than Your Approbation of my Words and Actions which I find, by Your Address, I have hitherto Obtain'd, My Sincerest thanks Attend you, for this Early intimation of your favourable Opinion of me, & you may be Always Assur'd of my Esteem, whilst you Persist in your Loyalty to your Soveraign, and Duty to your Lord Proprietary

Ben^{dt} Leon^{D} Calvert

The Resolves of this House made in Oct^{r} Assembly 1725 are Read & Agreed to.

Adjourns till to Morrow Morning Nine a Clock. p. 17

L. H. J. [Saturday October 14, 1727]

...... according to Adjournment

.....Aggrievances and .... Report Viz. ....Courts of Justice [The text of this report will be found at page 13.]

Which being read the House Concurrs therewith and Order'd that a Bill be brought in for redressing the Aggrievances Complain'd of

p. 18 A Bill for ascertaining the [oath of] Judge or Justice was read ....by Especiall Order.....and Sent to the.....af^d and.....

Which was Sent to....Harris and ....

They return.....

Col° Ward from the Upper House....M^r Speaker the following Petitions.

The Petition of Charles Mathan of John Hurd of Geo: Buchannan of Peter Charmack

Severally thus Endorst Viz.

Read and referr'd to the Consideration of the Lower House of Assembly.

Sign'd & Ord^r Geo. Plater Cl. Up. Ho.

Which were read and as to Charles Mathan the same is read & rejected, the Petition of John Hurd was read & Leave Given to bring in a Bill as Pray'd.

The Petition of George Buchannan was read & rejected.

The Petition of Peter Charmack was read & Leave given to bring bring in a Bill as Pray'd.

p. 19 .....that no Petition's to this House shall be......Next. .... St Pauls Parish in Queen Anns.....time & Past, which was...... house by M^r Chairs....say they Deliver'd it. ....Fra^s Ludolph [Bodeen]....Past and was so.... Blackistone & ....Delivered it.....

A Bill for relief of Sundry Poor Prisoners was read the first time and Ordered to lie on the Table.

The House Adjourns till Monday Morning Nine a Clock.

October 16 Monday Morning October 16th 1727

The House meets According to Adjournment.

Saturdays Proceedings are read.

The Petition of Edward Kitton referr'd from last Session was read and Leave given to bring in a Bill as Pray'd.

L. H. J.

On a Motion the Question was Put whether the Act Prohibiting the Importation of Bread Beer and flower &c^{a} shall be repealed or not, and it was Carried in the Affirmative

On Reading again the Petition of William & Mary Parish in Charles County it is Resolved that a Bill be brought in whereby Six thousand Pounds of Tobacco shall be taken out of the forty ꝑ p. 20 Poll in Portoba [cco] .... Thousand Pounds of Tobo. .... Forty ꝑ Poll of ..... the Upper part of .... Severall ..... this Session..... (if any) ....

A Bill for Distroying Wolves Crows and Squirrels was read the first time and Ordered to lie on the Table.

Phillip Lee Esq^{r} from the Upper House delivers M^{r} Speaker the following Message. [The text of this message will be found at page 15.]

Thereupon this House Appoint Col^{o} Greenfield Maj^{r}......and p. 21 Cap^{n} Rider to join the Gentlemen......house, and the following Message [The text of this message will be found at page 15.]

......house by Col^{o} Greenfield & Maj^{r} Harris....Deliver'd it.

.....Ephraim Gaver Referr'd from last Session....and leave Given to bring in a Bill as Pray'd

A Bill in favour of John Tennison was read the first time and Ordered to lie on the Table.

John Hall Esq^{r} from the Upper House delivers Mr. Speaker the Bill for Naturalization of Francis Ludolph Bodeen thus Endorst Viz. [The text of this endorsement will be found at page 15.]

Thereupon the same was Amended Accordingly and Past for Engrossing

The House Adjourns till to Morrow Morning nine a Clock

Tuesday Oct^{r} 17th 1727

October 17

The House meets.... p. 22

Yesterdays Proceedings.... The Bill.... & squirrels & ....

The Question.....shall be made for the.....by the Severall Taxables.....they are Obliged to Kill by the Bill or not, ... Carried in the Negative

Then The Question was Put whether the Bill shall Pass as it is or not? It is Carried in the Affirmative

Thereupon the same is past & Endorsed Accordingly

The Bill in Favour of John Tennison was read the Second time & Past, which was so Endorsed & Sent to the Upper House by M^{r} Hawkins and M^{r} Kirk.

They return and say they Delivered it.

L. H. J. Col° Ward from the Upper House Delivers M^r^ Speaker the Petition of Josias Sunderland of Calvert County and of Daniel Maynadier Severally thus Endorst.

By the Upper House of Assembly Oct^r^ 17^th^ 1727

Read and recommended to the Consideration of the Lower House of Assembly.

Sign'd ꝑ Ord^r^ Geo: Plater Cl: Up: Ho:

p. 23 ....Josias Sunderlands Petition the same is read & ....

......Maynadier was read and Leave.....

......Naturalization of Francis [Ludolph Bodeen] & his Children.....this House and was so Endorsed......by M^r^ Willmer and M^r^ ..... They return and say they deliver'd it.

......Relief of John Yoe was read the first and second times by Especial Order and Past w^ch^ was so Endorst and sent to the Upper House by M^r^ Mackall and M^r^ Smith. They return & say they Delivered it.

The following message is Prepared Viz. [The text of this message will be found at page 17.]

Resolved that the Publick for the future be not Charg'd with the p. 24 Seales of the Severall Private Bills that shall Hereafter Pass.

The Petition of Peter.....was read and..... Leave is given

John Hall Esq^r^ and three others from the Upper House deliver M^r^ Speaker the following Message Viz [The text of this message will be found at page 17.]

p. 25 On Reading Whereof Resolved the Conference be granted and ordered that Col° Greenfield, Maj^r^ Harris, Col° Gale, M^r^ Denton, M^r^ Beale M^r^ Crabb, Cap^n^ Hooper and Cap^n^ King be Appointed therein, Thereupon the following Message is Prepared Viz. [The text of this message will be found at page 18.]

p. 26 Col° Ward.....House of Assembly.......Message Viz. [The text of this message will be found at page 19.]

p. 27 .....Lee Esq^r^ from the Upper House Delivers.....Petition of the Inhabitants of....thus Endorsed Viz.

[The petition] of William Parks Printer thus [endorsed]

By the Upper House of Assembly Octo^r^ 17^th^ 1727

Read and referr'd to the Consideration of the Lower House of Assembly

Sign'd ꝑ Ord^r^ Geo: Plater Cl: Up: Ho:

Which being read Leave is Given to bring in a Bill as Pray'd

The House Adjourns till to Morrow Morning Nine a Clock.

Wednesday October 18th 1727 L. H. J. October 18

The House Meet According to Adjournment. Yesterdays Proceedings are read.

Col° Greenfield from the Conference Appointed on the Oath of Judge or Justice Returns the following Report Viz. [The text of this report will be found at page 21.] p. 28

With Which this House......Charles Calvert Esqr from..... House delivers Mr Speaker the Petition.....of the City of Annapolis with Sundry Papers relating thereto of Charles Carroll of Annapolis Chirurgeon of St Pauls Parish in Baltemore County and of Robert Parle

Severally thus Endorsed Viz.

By the Upper House of Assembly Octor 18th 1727

Read and Referr'd to the Consideration of the Lower House of Assembly.

Sign'd ℘ Order Geo: Plater Cl: Up: Ho:

On Reading the Petition of the Corporation of the City of Annapolis.

Ordered that Mr Crabb, Mr Warfield, Mr Welsh and Mr Chapman or any two of them have......the Depositions of such Evi- p. 29 dences as....to them....reduced, to summons Evidences &..... they shall think Necessary and.....Report therein to the....... timely Notice to.....House delivers .... John Tennison ..... of Assembly.........

.....House delivers......relief of John Yoe thus Endorsed. [The text of this endorsement will be found at page 20.]

Ordered that Mr Beale and Mr Denton be a Committee to Inspect the Ancient Journalls relating to the Constitution & Judicature of this Province.

Coll° Ward and five others from the Upper House Delivers Mr Speaker the Bill for Ascertaining the form of the Oath of Judge or Justice thus Endorsed Viz. [The text of this endorsement will be found at page 21.]

Thereupon the same was——...... Engrossing. p. 30

Resolved....Poor Prisoners...........Delivers Mr..... St. Pauls Parish in Queen...... [The text of this message will be found at page 22.]

A Supplementary Bill to the Act Prohibiting the Importation of Bread &ca was read and on the Question put the same will not Pass.

.....the Question was Put whether the same....or not Carried p. 31 in the Negative.

L. H. J. .....whether the Vote Relating to....the Importation of Bread .....to Horses. ....Negative....Tobacco Law....

October 19 [Thursday October 19, 1727]

Bill Ascertaining the form of the Oath......read and Assented to. And was so.....the Bill for Distroying Wolves Crows..... Sent to the Upper House by Mr Holliday......

They return and say they Delivered it

Benjamin Tasker Esqr from the Upper House delivers to Mr Speaker the Petition of Thomas Hill a Poor Prisoner.

By the Upper House of Assembly Octr 19th 1727

Read and referred to the Consideration of the Lower House of Assembly.

Sign'd ℘ Order Geo: Plater Cl: Up: Ho.

A Bill for Encouraging the making Hemp read the first time and Ordered to lie on the Table.

A Bill Reviving the Act for Advancement of Justice reviving p. 32 Act for Relieving the Inhabitants from some Aggrievances. read the first time... Lie on the Table.

A Bill for......Bowen to John.....which was sent to the..... Majr Skinner.

They.....delivered it.

Nicholas Lowe Esqr.....House delivers Mr Speaker the Petition......on behalf of John Bickerton and another of the said Chews on behalf of the Heirs of Colo Richard Perry And the Petition of Samuel Stevens severally thus Endorst Viz.

By the Upper House of Assembly Octr 19th 1727

Read and referr'd to the Consideration of the Lower House of Assembly

Sign'd ℘ Order Geo: Plater Cl: Up: Ho:

And also delivers the Petition of William Ford thus Endorst Viz. [The text of the endorsement will be found at page 23.]

p. 33 ......Holliday is Added to the Committee of Laws......Saint Pauls Parish in Queen Anns County.....given to bring in a Bill.

The Petition of John Glassington was read again & Leave given to bring in a Bill as Prayed.

The Petition of Samuel Chew on behalf of John Bickerton was read and Leave given to bring in a Bill as Pray'd

The House Adjourns till to Morrow Morning Nine a Clock

Fryday Octob^{r} the 20th 1727 L. H. J. October 20

The House meets According to Adjournment. Yesterdays Proceedings are read

The Petition of William Ford was read and Referr'd to the Committee of Laws to Examine into the Allegations of the Petitioner p. 34 and to make their......

[The text of this message will be found at page 25.]

Sent ꝑ M^{r} Wright and M^{r} Chairs. They return And say they delivered the same

The Petition of Samuel Chew Sen^{r} on behalf of Richard Perrys Heirs was read and referr'd to the Committee of Laws for their Examination & Report therein...............

...from the Committee of Aggrievances and Courts......the p. 35 following Report Viz:

......Aggrievances Octo^{r} 19th 1727

.......Aggrievance, that.....Providing what......and other Debts; .....Suits at Law, ...Supports Vexatious......by that Law....and Charge.....with Producing.....Way of Proceeding. .... to the People .... such Accounts, ... Inhabitants in General and.....Estates the Aggrievance hereby.....Offered by your Committee to the .....House

........Offer'd to this Committee as an Aggrievance......by the Act of Assembly Entituled an Act for the Stay of Execution after the tenth day of November which if not done the People Superceeding Executions are Lyable to be taken in Execution, by w^{ch} means the People are not Relieved from the Oppression Design'd to be Given them by that Law, which is Likewise Submitted by your Committee to the Consideration of the House

Signed ꝑ Order Nic Hammond Cl: Com:

With which this House Concurrs

Phillip Lee Esq^{r} from the Upper house delivers to M^{r} Speaker the Naturalization bill Viz.

For Daniel Maynadier and his Children For Samuel Mynskea and others For John Wolf and others Severally Endorsed Viz.

On the Petition of.....to the Resurvey of.....Allegations of all Parties Concerned.....

The House Adjourns till....nine a Clock

Saturday Octob^{r} 21st 1727 October 21

The House met According to Adjournment Yesterdays Proceeds are read

L. H. J. The Bill in Favour of John Tennison Assented to was sent to the Upper House by Mr Hawkins and Mr Malding. They return and say they Delivered it The Petition of Samuel Chamberlain Read and Referred to the Committee of Accounts to Examine the Matter of the Petition and make their Report therein to the House

The Petition of the Inhabitants of the City of Annapolis was read and referred to the Same Commissioners appointed on the 18th p. 37 Instant on the Petition of the....of the City of Annapolis and to be proceeded.....Same Manner.

..... Making Hemp ..... advancement of Justice .... the Act for....Some Aggrievances ..... Past which .... House by Coll. ....Say they delivered....was read the....table....and Past which...to the Upper House ꝑ Coll..... They return and Say

[The Committee] of Laws Returns the following Report.....of Samuel Chew Senr referr'd to that....

By the Committee of Laws Octobr 21st 1727

The Allegation Mentioned in the within Petition are Sufficiently made Appear to this Committee to be True

Sign'd ꝑ Ordr Wm Beckingham Cl Com.

Thereupon Leave is given to bring in a Bill as prayed

A Bill for the Relief of Peter Charmack was Read the first and Second times by Especial order and Past which was so Endorst and Sent to the Upper House by Collo Ward and Major Malding

They return and say they Delivered it.

p. 38 The Committee of Laws Return....Report on the Petition....

Mr William Cumming.....before this House. Mr Govane and Mr ..... Clients Oath. Benjamin Tasker Esqr from the Upper House delivers Mr Speaker the Bill for Dividing St. Paul's Parrish in Queen Anns County with the following Message [The text of this message will be found at page 27.]

p. 39 ....Included in the.....read & Rejected.....Clause be Added .....Prisoners obliging.....to give.....Behaviour in the sum of ..... for Twelve Months before Two .... Marys County Court....of Sundry Poor Prisoners was read the second Time and Past which was so Endorst and sent to the Upper House by Capn Hooper and three others

They Return and Say they Delivered it.

Mr James Hollyday is Unanimously Chosen Treasurer for the Eastern Shore of this Province.

Daniel Dulany Esqr a member returned to Serve for Ann Arundell County in the Room of Thomas Bordley Esqr Deceased appears in the House, But the Upper House being Adjourned he Cannot now be Qualified.

The Petition of Doctr Charles Carroll is Read and Leave Given to bring in a Bill as Prayed. L. H. J. p. 40

The Petition of George Buck ..... Wife for Cutting of ..... Called Mill.....for that this.....Petitioner has a.....against the Trustees of.....Deceased.....On Reading the Petition....... and the Question Put; Resolved......The said Hall being Heard the....is Rejected

A Bill for Removing Charles County Court House was read the first time & ordered a Second Reading Which was read a Second time and Past, which was so Endorst.

And a Bill for Relief of Edward Kitton Read Ut Supra & Endorsed & sent to the Upper House by Capn Dent and Mr Warfield. They Return & say they delivered them

Ordered that Mr Beale and Mr Worthington go to the Upper House to see Daniel Dulany Esqr Qualified. They return & say they see him Qualified......he took his Place. p. 41

Daniel Dulany Esqr Added to the Committee of Laws

On the Motion made resolved that the Severall Ancient Journals of this House be bound into Books with Endorsmts on Such Books the Several Years such Journals were made in And that for the Future the Clerk of this House Leave a Sufficient Margin in the Record Book of the Journals of this House and make Marginal Notes of the Occurences therein.

Resolved that the Act for Regulating Ordinarys be Revived Applying the Several Fines to the Use of the Respective Countyes.

A Bill for the Encouragement.....Husbandry was read..... p. 42 to Lie.....John Rousby Esqr ..... Delivers Mr Speaker .... Encouragement to make.....this Province thus Endorst Viz. [The text of this endorsement will be found at page 29.]

.....the Bill was Altered accordingly and Passed......Bill be p. 43 prepared for.....Province from the....Criminall

.....Favour of Ephriam Gover.......Favour of John Hurd were Severally read Assented to and were accordingly Endorst and Sent to the Upper House by Mr Worthington & Mr Skinner

They return and say they Delivered them

A Bill for Encouragement of William Parks Printer was read the first and Second times by Especial Order and Past which was so Endorst and Sent to the Upper House by Mr Pemberton and Mr Scot.

They return and Say they Delivered it

Benjamin Tasker Esqr from the Upper House Delivers Mr Speaker the Paper Bills of the Two First Engrost Bills Sent up.... p. 44 ..Endorst Viz. ....

L. H. J. And Delivers the Petition of the Inhabitants about Elk Ridge for Erecting a Parish there thus Endorsed Viz.

By the Upper House of Assembly Octr 21st 1727

Read and referr'd to the Consideration of the Lower House of Assembly

Signed ꝑ Order Geo: Plater Cl: Up: Ho.

Which being read Ordered that the Several Incumbents have Notice thereof that if they think fit they may Appear & make their Objections against bringing in a bill....thereon

p. 45 ......Encouraging the making Hemp.......Endorst and Sent to.....Mr Scott.

......some Defects in the Act for.....Religious Worship was read the first time and on the Question Put ordered a Second reading to morrow

A Bill Declaring the Bounds of Two Acres of Land Heretofore Granted to Great Choptank Parish was read the first and Second times by Especial Order and Past

Which was so Endorst and Sent to the Upper House ꝑ Capn Rodger and Mr Pritchet.

They return and Say they Delivered it

The House Adjourns till to Morrow Morning Nine a Clock

October 24 Tuesday Octor 24th 1727

p. 46 The House met According to......

Yesterdays Proceedings .... in Calvert County ..... In Charles County John .... In Prince Georges County .... In Baltemore County Joseph....... In Cecil County John Seager .... In Queen Ann's County Thos ...... In Talbot County Phillip Feddeman at the Court House

In Dorchester County James Woolford at Cambridge In Somersett County Henry Ballard at Monokin Bridge Thereupon the same Bill was read again by Especial Order and Past which was so Endorsed and sent to the Upper House ꝑ Mr Hawkins and Capn Blackistone

They return and say they delivered it

Charles Calvert Esqr from the Upper House Delivers Mr Speaker a Bill for Erecting a Court House at the Head of Portobacco in Charles County, And the Bill in Favour of Edward Kitton severally thus Endorsed Viz.

p. 47 ....Relief of Betty Gale and Levin Gale.....Deceased Read the Second Time.....Endorsed and Sent to the Upper House by Majr King & Mr Stoughton

They return and say they Delivered it L. H. J.

Benjamin Tasker Esq^{r} from the Upper House Delivers M^{r} Speaker the Bill for Relief of Sundry Poor Prisoners thus Endorsed Viz. [The text of the endorsement will be found at page 32.]

Whereupon he was Included. . . . . p. 48

[The text of this message will be found at page 33.]

. . . M^{r} Goldsborough & . . . . . Delivered them . . . . Criminal p. 49
Serv^{ts}. . . . . Question Put the

. . . . . . the Upper House Delivers M^{r} . . . . . Bill of the Engrost Bill for . . . . . of the Oath of Judge or Justice. . . . . .

By the Upper House of Assembly Oct^{r} the 24th 1727

The Engrost Bill whereof this is the Originall is read and assented to by this House

Signed ꝑ Order Geo: Plater Cl: Up: Ho:

A Bill for the Relief of John Hans Steelman was read the first and Second times by Especial Order and Past and which was so Endorst & Sent to the Upper House by M^{r} Waughop and M^{r} Magruder

They Return and Say they Delivered it

Nicholas Lowe Esq^{r} from the Upper House delivers M^{r} Speaker p. 50
the Paper Bill of the . . . . Reviving . . . . Which Message. . . . [The text of this message will be found at page 34.]

On Reading whereof the Question was Put whether the Bill shall be reinforced by another Message or not

Hon^{r} the Gov^{r} was read and. . . . . . . .follows Viz. October 25
Benedict Leonard Calvert Gov^{r} p. 51

. . . . . Address of the House of Delegates

May it Please your Hon^{r}

We are Heartily grieved that our Second Address to your Hon^{r} to Assent to the Bill for Appointing the Oath of Judge or Justice, should have given your Hon^{r} any Uneasiness or Dissatisfaction.

Your Honour Acknowledges the Regularity of Passing a Bill before the End of the Session which indeed is unquestionable & what the Assembly has done at the beginning of it, When his Lordships Interest Required it.

As to the Occasion of our Addressing your Honour It is the p. 52
Most. . . . . a Sufficient. . . . . .full hope is that your Hon^{r}. . . . . . . the Peoples Expectation in a. . . . .

Sign'd ꝑ Order John [Mackall, Speaker]

L. H. J. Ordered that Cap^t Gordon and .... Gov^r and Desire to know when....his hon^r will be Pleased to Receive the same.

They return and say that he will receive the same in the Council Chamber Immediately.

Thereupon the same was sent to his Hon^r the Governour by Coll^o Greenfield and Two other Members.

They return and say they Delivered it.

p. 53 Coll^o Ward from the Upper House Delivers M^r Speaker the following Message Viz. [The text of this message will be found at page 35.]

John Hall Esq^r from the Upper House Delivers M^r Speaker the following Message Viz. [The text of this message will be found at page 35.]

p. 54 The House Adjourns till to Morrow.....

October 25 Wednesday [October 25, 1727]

......[The text of this message will be found at page 35.]

Which was Sent to the Upper House by Coll: Gale and Twelve others

p. 55 They return and Say they Delivered it.

......four others from the Upper House [The text of this message will be found at page 36.]

.....from the Upper House Delivers M^r .... of Richard Bennet & Samuel Chamberlain Gent, for Subjecting the Real as well as the Personal Estate of Robert Ungle Esq^r Deceased to the Payment of his Debts thus Endorsed Viz.

By the Upper House of Assembly Oct^r 25^th 1727

Read & Recommended to the Consideration of the Lower House of Assembly.

Sign'd ꝑ Order Geo: Plater Cl: Up: Ho:

Which was read and referr'd till next Session & Ordered that Notice be given by the Pet^rs of having Preferr'd this Petition by Setting up Copies of the said Petition and this Order at the Most Publick Places in the Several Counties within this Province.

p. 56 A Bill Confirming the Will of Richard Wigg was read the first and second times by Especial Order and Past which was so Endorsed and Sent to the Upper House by M^r Beale & M^r Worthington.

They Return and say they Deliver'd it.

A Bill for Recording a Deed from Mary Orrel & John Bickerton

And a Bill for Recording a Deed from......Bateman & Henry Scarborough to Rich^d Perry.....the first and Second Times by ......were so Endorsed and..... Warfield & Maj^r Malden..... L. H. J. p. 57

....for the Naturalization of John Sam^l Minskea.....of John Wolf and Others. .....making good & Valid a Deed from John Gray to Theophilus Kitton.

For Removing Charles County Court House

For the Speedy Publication of the Laws &c^a

Were Severally read & Assented to & were so Endorsed and Sent to the Upper House ℘ M^r Dashield & M^r Kirke

They return and say they Delivered them.

Charles Calvert Esq^r from the Upper House Delivers M^r Speaker the Bill for Destroying Wolves Crows and Squirrells with the following Message Viz. [The text of this message will be found at page 38.]

Which was read and the Question Put whether this House shall Agree with the Proposals of the Upper House p. 58

Carried in the Negative.

A Bill for the Improvem^t of Tillage & Husbandry was read the second time and on the Question Put the same will not pass.

John Hall Esq^r from the Upper House Delivers M^r Speaker the Paper Bills of the five Engrost Bill sent up this Morning by Mr. Dashield & M^r Kirke.....Severally thus Endorsed Viz. p. 59

[Hon. Benedict Leonard] Calvert Esq^r

Although the People of Maryland by.....his Lordships Charter are Entituled to..........English Laws as well as the Laws that ......in the Province Yet we humbly Conceive that these Benefits Cannot be secured to us and those we Represent Unless the Magistrates who are or shall be Entrusted with the Administration of Justice be under the Tie of an Oath to Act Consistently to the Best of their Knowledge & Understanding, with the Laws that are to be the Rule of their Decisions And as no Oath of Office Can be Imposed Except the Form thereof be Agreed to & Established by the Legislature which is done this Session so Far as it is in the Power of both Houses of Assembly so that Nothing is Wanting to Perfect it but Your Honours Assent to the Bill now Engrossed, we are Humble Suitors to your Hon^r to Assent thereto as soon as possible. It is an Undeniable truth.....mentioned that the....Justice..... p. 60 to Assure your.....far as we have been......Apprehend themselves......& Uncertain Condition as.....untill the Magistrates ......the Oath now Agreed on, on our......And that we Know no means so Effectual to Quiet their Minds nor anything that would be a greater Encouragem^t to our Selves to go on with Alacrity in

L. H. J. the Dispatch of Publick Business, than your Hon^rs^ Complyance with this our Present humble Request.

Sign'd ℘ Ord^r^ of the House
Oct^r^ 25^th^ 1727 John Mackall Speaker

Robert Gordon Esq^r^ and Cap^n^ George Dent are sent to his Hon^r^ the Gov^r^ to Know when and where he will be Pleased to Receive the same.

p. 61 ......and Say that he will Receive it at his.......Presented to his.....and sixteen other.....Deliver'd it....the first time..... ....Morning Nine a Clock

October 26 [Thursday, October 26, 1727]

.....Publick Proceedings.....the Publishing the same.....in a Bill for the Emitting Paper Currency.....Put whether a Bill be brought in or not.....Affirmative

Ordered that a Bill be Prepared Accordingly.

An Engrost Bill Declaring the Bounds of Two Acres of Land heretofore Granted to Great Choptank Parish was read & Assented to and was so Endorsed and Sent to the Upper House ℘ Cap^n^ Rider & M^r^ Pritchet.

They return and say they Deliver'd it

John Rousby Esq^r^ from the Upper House Delivers M^r^ Speaker the Bills. To Record a Deed from Mary Bateman & Henry Scarborough to Coll: Rich^d^ Perry. To Record a Deed from Mary Orrell to John Bickerton.

Severally thus Endorsed Viz. [The text of this endorsement will be found at page 39.]

p 62 And Delivers the Paper Bill of the Engrost Bill Declaring the Bounds of Two Acres of Land Granted to Great Choptank Parish thus Endorsed Viz.

By the Upper House of Assembly Oct^r^ 26^th^ 1727

The Engrost Bill whereof this is the Original is read and Assented to by this House

Sign'd ℘ Ord^r^ Geo: Plater Cl: Up. Ho.

p. 63 [Phillip] Lee Esq^r^ from the Upper House Delivers........Bill for Dividing St. Pauls.....with the following [The text of this message will be found at page 40.]

A Bill for Building a New Church in S^t^ Pauls Parish in Baltemore County was read the first and Second times by Especial Order and Past which was so Endorst and Sent to the Upper House by M^r^ Hamilton and M^r^ Scott.

They return and Say they Delivered it. L. H. J.

Nicholas Lowe Esq^r^ from the Upper House Delivers M^r^ Speaker, the Petition of Mary Marshall thus Endorst Viz.

By the Upper House of Assembly Oct^r^ 26th 1727

Read and Referr'd to the Consideration of the Lower House of Assembly

Signed ꝑ Ord^r^ Geo: Plater Cl: Up^r^ Ho.

Which was read and Leave Given to bring in a Bill as Pray'd

M^r^ Speaker Communicates to the ....the Gov^rs^ Answ^r^ to the .....Viz. p. 64

Gent^n^

.... when they shall ..... End of the Session which.....Mutual Satisfaction.

Thereupon the Question was Put......shall be Again Addrest thereon or not.

Carried in the Affirmative.

Thereupon the following Address is Prepar'd Viz.

To the Hon̄ble Benedict Leonard Calvert Esq^r^ Governor of Maryland.

The Humble Address of the House of Delegates.

May it Please your Hon^r^

We having taken into Consideration Your Hon^rs^ Answ^r^ to the Address of this House wherein You have been Pleased to Assure us of your Readiness to .....Ease and Welfare of the Good People p. 65 we......will have a Due regard to our......Bills when they shall .....at the End of........at an uncertainty.....Subject matter ....Leave to.....Irregularity in....Session, there have..... Bill is, in our.....to Every....Past into a.....to your Honour, ... Apprehensions which the......and which will be greatly....Delay. These Circumstances Oblige ..... Humble Suitors to your Honour.....the said Bill or give a Clear and Satisfactory Answer to our former or this Address And we do Assure your Honour that nothing in our Power shall be wanting to Conclude this Session to your Satisfaction as well as our own it being our firm Resolution to act in Everything for the Interest and Welfare of the Lord Prop^ry^ and the People we Represent.

Sign'd ꝑ Ord^r^ of the House.

Oct^r^ 26th 1727 Jn^o^ Mackall, Speaker

L. H. J. p. 66 Ordered that Cap^t Gordon and Cap^t Dent go to his Hon^r the Gov^r and Desire to Know when and where he will be pleas'd to receive the Address of

They return and say that.....Gov^r will....

October 27 [Friday, October 27, 1727]

An Engrost for the......Levin Gale Ex^rs of Levin....Deceas'd and one other for the Payment of white Criminall Servants fees. Are Sent to the Upper House ꝑ M^r Crabb and M^r Matthews.

They return and Say they Delivered the Same

John Hall Esq^r from the Upper House Delivers M^r Speaker the Petition of Sarah Massey thus Endorsed Viz.

By the Upper House of Assembly Oct^r 27^th 1727

Read and referr'd to the Consideration of the Lower House of Assembly

Sign'd ꝑ Order Geo: Plater Cl: Up^r Ho.

p. 67 A Bill for the Naturalization of Peter Montgomery of Charles County Plant^r and his Children. & A Bill in favour of Mary Marshall were Severally read the first and Second times by Especial Order and Past which were so Endorst and Sent to the Upper House by Coll. Maxwell and M^r Hawkins.

p. 68 They return and say they Delivered.......

The Petition of the Vestry of W^m [and Mary Parish in] Charles County was .....

An Engrost Bill for the Relief of Peter Carmeck was read and Assented to and was so Endorst and Sent to the Upper House by Maj^r Malden and M^r Johnson.

They return and say they Delivered it

A Bill in favour of William Ford was read the first and Second times by Especiall Order and Past and was so Endorst and Sent to the Upper House by M^r Beale and M^r Warfield. They return and say they Delivered it.

Phillip Lee Esq^r from the Upper House Delivers M^r Speaker the Paper Bill of the Engrost Bill for the Relief of Peter Carmeck thus Endorst Viz.

.....have Examined .... by M^r Samuel .... thereof, the said .....Stated, which ...... hereunto Annexed in. .... and their further......

ꝑ Order Charles Worthington Cl: Com. Acc^ts

Mr Speaker Communicates to the House his Honour the Governors Answer to the Last Address as is as follows Viz. L. H. J. p. 69

Gentlemen.

I am Sorry my Answr to your Last Address should not only fail giving you Satisfaction but further Induce you to Address me a Second time in Terms unkindly Expressive of your Diffidence in me, Time will best Evince the sincerity of us all in the Severall Professions we have made this Session of Loyalty to our Sovereign Duty to the Lord Propry & Good will to the Country. p. 70

You say there is no Irregular........before the End of....... Occasion .... A Resolution .... Reluctance ...... myself wholly Unworthy .... Majesties Approbation .... I am Invested, should I......such Irregular Importance......Attend the End of the Session........Answer your Addresses and the Peoples Expectations in a Clear and Satisfactory Manner.

Benedict Leonard Calvert

Thereupon the Question was Put whether the Question shall be Put whether his Honr the Governour shall be further Addrest to night or to Morrow Morning or not?

Carried in the Affirmative

Thereupon the Question was Put whether the Governor shall be further Addrest for Passing the Bill?

Carried in the Negative.

.....Beale Esqr from the Committee of Accounts brings....of that Committee which was read.....untill to Morrow Morning p. 71

Accompts was read &.....Sent to the Upper......of that Committee.

......they Delivered it

[Saturday, October 28, 1727] October 28

[The Petition of] Nathaniel Wright a Languishing [Prisoner in Queen] Anns County was read and Leave........Bill as Prayed.

The following Message is Prepared Viz. [The text of this message will be found at page 45.]

Sent to the Upper House by Capt ..... p. 72

They return and say they Delivered it

An Engrost Bill for Erecting a New Church in St. Pauls Parish in Baltemore County was read and Assented to and was so Endorsed and Sent to the Upper House by Capt Dashield & Mr Scott.

They return and say they Delivered it

L. H. J. John Hall Esq^r^ from the Upper House Delivers M^r^ Speaker the Naturalization Bill for Peter Montgomery In favour of Mary Marshall For the relief of William Ford

Severally thus Endorsed Viz.

Oct^r^ 27th 1727 By the Upp^r^ House of Assembly

Read the first time and Ordered to Lie on the Table

Sign'd ꝑ Order Geo: Plater Cl: Up: Ho.

October 30 [Monday, October 30, 1727]

p. 5 Col^o^ Greenfield and M^r^ Beale are sent to Acquaint his Hon^r^ the Gov^r^ that Nothing of publick Business remains before this House

They return and say they delivered their Message.

Col^o^ Holland from the Upper House acquaints M^r^ Speaker his Hon^r^ the Governour requires him and the whole House to attend him imediately in the Upper House & withdrew

Thereupon M^r^ Speaker with the whole House go to the Upper House, Where his Honour the Governour on Behalf of the right Hoñble the Lord Prōpry of this Province was pleased to pass the foll^g^ Acts Viz. [This list of acts is printed on page 54.]

After which his Honour the Governour was pleased to deliver the following Speech Viz. [The text of this speech is given on page 56.]

After which his Honour Was Pleased to Acquaint M^r^ Speaker That he had thought fit with the Advice of the Council to Prorogue this Present Assembly To the Third Tuesday in March next. M^r^ Speaker with the rest of the Members returns to their owne House, where M^r^ Speaker resumes the Chair and reports that his Honour The Governour had tho^t^ fit w^th^ the advice of the Council to Prorogue this Present Assembly to the Third Tuesday in March next to which Time this House accordingly Prorogues itself.

So endeth this Present Session of Assembly this thirtieth Day of October in the first Year of his Majesty King George the Second his Reign and in the thirteenth Year of his Lpp's Dominion & Annoq Dom' 1727

Test M. Jenifer Cl. Lo. Ho.

ACTS

Session Laws printed by William Parks, Annapolis, 1727

At a Session of Assembly begun and held at the City of Annapolis, in the County of Ann-Arundel, for the Province of Maryland, on the 10th, and ended the 30th Day of October, in the 13th Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. Annoq; Domini 1727, were Enacted the following Laws, viz.

Benedict Leonard Calvert, Esq; Governor.

Chap. I

p. 5 [Dissent by Proprietary]

An Act for ascertaining the Form of the Oath of Judge or Justice.

Whereas the Oath of Judge or Justice, (appointed to be taken by the Statute of the Eighteenth of Edward the Third,) does not in many Particulars provide for the Constitution of this Province, nor suit the Circumstances of any other Proprietary Government; and for that the Oath of Judge or Justice, proper to be taken in this Province, is not ascertain'd by any Act of our own:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same. That at some convenient Time, after the End of this present Session of Assembly, and before the last Day of March next, the following Oath shall be taken, as the proper Oath of Office, by the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Law, the Justices of the Provincial and County-courts, and the Mayor, Recorder, and Alderman of the City of Annapolis, for the Time being, changing only what is to be changed, according to the different Stations of such Magistrates, viz.

"You shall swear, That as a Justice of the Provincial Court of "Maryland, in all Articles of his Lordship's Commission to You "directed, You shall do equal Law and Right to all the King's "Subjects, rich and poor, according to the Directions of the Acts "of Assembly of this Province, so far forth as they provide: And, "where they are silent, according to the Laws, Statutes, and reason"able Customs of England, agreeable to the Usage and Constitu"tion of this Province; and not delay any Person of Common Right, "for the Letters of the King, the Lord Proprietary, or of any other "whatsoever, nor for any other Cause: And in case any Letters "shall come to You, contrary to Law, that You do nothing by "them, but cause them to be entered on Record, and certify the

Session Laws "King, the Lord Proprietor, or the Governour (for the Time being) of them, and proceed to execute the Law notwithstanding "the same Letters: That You shall hold your Courts according to
p. 6 "the Acts of Assembly, and the Directions in your Commission: "That You shall do and procure the Profit of the Lord Proprietor "in all Things where you may lawfully and reasonably do the same. "And that you shall not debar or hinder the Prosecution of Justice; nor take any Gift, Bribe, or Fee, for delaying, or rendering "judgment, but shall behave yourself justly, honestly, and faithfully, to the best of your Knowledge and Understanding, so long "as You shall continue in the said Office."

So help You God.

Chap. II p. 6 [Printed by Kitty as in force in 1799] An Act directing the Payment of Fees arising due on the Prosecution of White Servants, which shall hereafter be imported into this Province.

Forasmuch as it is evident to this present General Assembly, That the Charges of late arising to the Publick and several of the Counties within this Province, on the Prosecution of Servants, have been a very great Burthen to the Publick. And whereas it is manifest, that several Felonies and other Offences have been frequently
p. 7 committed by Servants, which might have been prevented by their Masters, by taking Care to keep them in due Order and Subjection, and sometimes Servants have been induced by the Encouragement, and sometimes by the Severity of their Masters, to commit Felonies and other Crimes, the Masters well knowing, that in case of Prosecution, the Expence thereof must have been born by the Publick, or the Inhabitants of the County or Counties where the Facts have been committed: For Remedy of which Evils,

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assembly, it shall and may be lawful, to and for the several and respective Officers within this Province, to whom any Fees shall arise due on any Prosecution of the Lord Proprietary, against any Servants that shall be imported into this Province, at any Time after the End of this Session, to charge the same to, and recover the same from the Masters or Owners of such Servants, in the same Manner as if they arose due from, and were the proper Debts of the Masters or Owners themselves, as by other Laws are provided: And that it shall not be lawful for any Officer or other Person, to charge the Publick, or any County, for any Fees that shall arise due on the Prosecution of any such Servants as aforesaid. Any Law, Statute, Usage, or Custom to the contrary, in any-wise, notwithstanding.

And be it further Enacted by the Authority, Advice, and Consent

Session Laws

aforesaid, That it shall and may be lawful to and for the Owners of such Servants, (unless the Offence whereof he, she, or they shall be convicted be Capital, and that the Offender or Offenders are actually executed for the same,) at or before the Time of the Expiration of such Servants Servitude, to carry such Servant to the County-court held for their County, and on their making it fully appear to the Justices of such Court, how much Tobacco hath been paid by them for such Servant, on Account of such Prosecutions, it shall and may be lawful for the Justices of such Court, and they are hereby required, to adjudge what Time (not exceeding Three Years,) they shall think reasonable, to serve the Owner in Recompence to such Fees paid as aforesaid; unless such Servant can make Payment thereof in some other Manner.

And be it Enacted, by the Authority aforesaid, That all Masters and Owners of Women Servants, having Bastard Children, shall be obliged to maintain such Bastard Children, at his and their own proper Cost and Charge, during the Continuance of such Servant Woman in his or their Service.

Provided, That it shall and may be lawful for the Justices of the County-court, where such Bastard Child or Children shall be born, to adjudge the Mother or Mothers of such Bastard Child or Children, where the Father is unknown, or incapable to make any satisfaction, to make her or their Master or Owners full Satisfaction and Recompence by Servitude or otherwise, for maintaining and supporting such Bastard Child or Children. Any Law, Usage, or Custom to the contrary, notwithstanding. p. 8

Provided always, That where the Begetter, or Begetters of such Bastard Child or Children, is or are Resident or Residents within this Province, of Ability to maintain such Child or Children, and lawfully convict of being the Begetter or Begetters of such Child or Children, it shall and may be lawful in all such Cases, for the several Justices of the Peace to oblige such Father or Begetter to support and maintain such Bastard Child or Children as heretofore they might have done. Any Thing in this Act to the contrary, notwithstanding.

An Act giving Encouragement to make Hemp, within this Province. Chap. III

Forasmuch as the Tobacco-Trade is reduc'd to very mean Circumstances, and it is generally thought that the making of Hemp will be of great Use, not only to this Province, but to the Kingdom of Great-Britain, for supplying of Naval Stores:

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons, living or inhabiting within this Province, shall hereafter make, either by themselves, their ser-

Session Laws vants or Slaves, upon any Lands or Plantations within this Province, any Quantity or Quantities of Hemp, and cause the same to be cleaned, and made merchantable, they shall be allowed as a Bounty for their Encouragement, the Quantity of One Hundred Pounds of Tobacco, for every Hundred Weight of Hemp they shall so make, as aforesaid, and pro rato, for a greater or lesser Quantity; to be levied (together with the Sheriffs Salary for collecting the same) by the Justices of the several and respective County-courts within this Province, by an equal Assessment upon the Taxable Persons within that County where such Hemp shall be made as aforesaid; and collected by the Sheriff of the County, as a Part of the County Levy, and by him to be paid to whomsoever it shall become due. And every Person as aforesaid, that shall make any Quantity of Hemp, clean and merchantable, and want the Allowance aforesaid for the same, such Person or Persons are hereby directed to apply themselves to any Justice of the Peace for the County where such Hemp shall be made; every which Justice (upon Application to him to be made as aforesaid) is hereby impowered and required to appoint some Person of honest Reputation, to go with the Person applying to him, to take a just and true Account of the Weight and Quality of all such Hemp that he craves Allowance for, and return the same to such Justice, upon Oath: And if it shall appear to the said Justice, by the Oath of such Person appointed as aforesaid, that the said Hemp is clean and merchantable, and the Party also making such Oath, before such Justice, that such p. 9 Hemp was made within that County, and that he, nor any other Person hath ever had any Allowance or Certificates, to the County-court, the Justices thereof are hereby required to make them such Allowances as beforementioned.

This Act to continue Three Years, and to the End of the next Session of Assembly which shall first happen after the said Three Years.

Chap. IV p. 9 [Revises 1714, ch. 4] An Act Reviving and Continuing an Act of Assembly, Intituled, An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law.

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mentioned Act, Intituled, An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty Second Day of June, Anno Dom' One Thousand Seven Hundred and Fourteen, be and is hereby revived and continued in full Force, from and after the End of this present Session of Assembly, for and during the

Term of Three Years, and to the End of the next Session of Assembly that shall happen after the said Three Years.

An Act Reviving and Continuing an Act of Assembly, Intituled, An Act for the Advancement of Justice.

Chap. V [Revises 1723, ch. 12]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mention'd Act, Intituled An Act for the Advancement of Justice, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty Third Day of September Anno Dom' One Thousand Seven Hundred and Twenty Three, be and is hereby revived and continued in full Force, from and after the End of this present General Assembly, for and during the Term of Three Years, and to the End of the next Session of Assembly that shall happen after the said Three Years.

An Act for Reviving an Act, Intituled An Act, for the Tryal of all Matters of Fact in the several Counties where they have arisen or shall arise, the Continuance of Causes in the Provincial Court, and Adjournment of that Court, with the Supplementary Act thereto; and to amend some Defects in the said Acts.

Chap. VI [Revises 1723, ch. 23, and 1724, ch. 17]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty Third Day of September, Anno Domini One Thousand Seven Hundred and Twenty Three, Intituled, An Act for the Tryal of all Matters of Fact in the several Counties where they have arisen or shall arise, the Continuance of Causes in the Provincial Court, and Adjournment of that Court; as also one other Act of Assembly, made at a Session of Assembly begun and held at the City of Annapolis, the Sixth Day of October, Anno Dom' One Thousand Seven Hundred and Twenty Four, Intituled, A Supplementary Act to the Act, Intituled, An Act for the Tryal of all Facts in the Counties where they have arisen and shall arise, the Continuance of Causes in the Provincial Court, and the Adjournment of that Court, be and are hereby revived and continued in full Force, from and after the End of this present Session of Assembly, for and during the Term of Three Years, and to the End of the next Session of Assembly that shall happen after the said Three Years. p 10

And forasmuch as it appears to this General Assembly, That many of the Actions heretofore depending in the Provincial Court, have been discontinued after the Issues have been joyned, without

Session Laws

Tryal, by Miscarriage of the Records, before they got into the Possession of the Clerk of Assize,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Secretary for the Time being, shall cause every Record that shall be ordered by any Attorney of the Provincial Court, to be made out, for any Tryal of any Issues at the Assizes, to be transmitted to the Clerk of Assize of the Circuit where the Issue is to be try'd (who is by this Act obliged to receive and carry the same to the Circuit,) before the Assizes for that Shore whereon the Issue is to be tried, begins; under Penalty of paying unto the Party that suffers for want of the Record being transmitted, such Costs and Damages as shall be by the Justices of the Provincial Court, judicially sitting, ordered and adjudged; which said Justices are hereby, upon Complaint made to them, required after a summary Manner to proceed to Judgment thereon.

Provided always, That the Secretary shall not be obliged to answer any Damages or Costs to any Person, by Virtue of this Act, unless Orders in Writing for transmitting the Records, as aforesaid, be left with the Clerk of the Provincial Court, at least Thirty Days before the Beginning of the Assizes on the Shore where the Issue is to be try'd.

Provided also, That the Records being lodged with the Clerk of Assize, after the Manner aforesaid, shall not impower the Judges to compel a Tryal against the Will of the Plantiff, unless where the Record is taken at the Request of the Defendant, in order for Tryal, by Proviso.

Chap. VII [Repealed in part by 1728, ch. 10, and totally expired October 30, 1730] p. 11

An Act concerning Tobacco.

Whereas Tobacco, the only Staple of this Province, and the principal Dependance of its Inhabitants, has been for several Years, and now is so very low, that the Makers of it cannot possibly support themselves by the Produce thereof: And whereas the large Quantities of Trash, and Unmerchantable Tobacco usually made and shipped, hath been, and always will be (if not remedied) very detrimental to the Trade in general; and that the Peoples Backwardness in getting their Tobacco ready in a reasonable Time, hath not only occasioned very great Delay and Charge, in the Lading and Dispatch of Ships, but sometimes of the Loss of Ships and Mens Lives, and always of great Damage to the Tobacco it self, in Winter Passages; besides missing the Opportunity of early and quick Markets, (the Life of Trade:) For Remedy whereof,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons, having the immediate Rule, Directions or Government of any Plantation, where Tobacco is, or shall be made, shall false pack any Hogshead, or other Package, or use any fraudulent or deceitful Practice or Means, to conceal or hide any Frost-bitten trashy Ground-Leaves, small Scrubs, Stalks, Stems, Wood, Dirt, or any manner of Trash, or decayed old Tobacco, and shall offer or tender to sell, or pay away the same, as good merchantable Tobacco, and shall be convict of such false packing, before any Justice of the Peace, who shall, by Virtue of this Act, have Cognizance thereof, as in case of small Debts, shall, for every such Offence, forfeit Four Hundred Pounds of Tobacco, to the Party to whom such Tobacco shall be paid, or tendered, or offered to be paid; if such Party will prosecute for the same within Two Months after the Offence committed: And in case such Party shall neglect or refuse to prosecute, the said Penalty shall and may be recoverable by any other Person, to his own Use, that will inform and prosecute for the same, before any such Justice. Any Law, Usage, or Custom to the contrary, notwithstanding. Session Laws

And be it Enacted by the Authority aforesaid, That all Persons making Tobacco within this Province, shall be oblig'd to get the same ready packed and prized for Shipping, by the last Day of May Yearly, during the Continuance of this Act; and that any Person or Persons, that shall neglect or refuse to get his or their Tobacco ready, as aforesaid, and shall presume to sell or ship any Tobacco so neglected to be got ready, 'till the Tenth Day of November then next, shall forfeit such Tobacco, or the full Value thereof; one Moiety to be applied toward the Support of the Free-School of the County where the Fact shall be committed, and the other Moiety to him or them that will sue for the same; to be recovered in the County-court, by Action of Debt, Bill Plaint, or information, p. 12
wherein no Essoyn, Protection, or Wager of Law shall be allowed.

And be it further Enacted, That every Person paying away any Hogshead or Hogsheads of Tobacco, shall mark, or cause to be marked on the Bildge thereof, within Five Pounds of the real and exact Weight of the Hogshead, on pain of Four Hundred Pounds of Tobacco; to be recovered and applied in the same Manner as the Penalty for False Packing.

And be it Enacted, That the Allowance for the Hogshead, from the Buyer to the Seller, shall be Eight per Cent of the Neat Weight of the Tobacco therein contain'd, and no more. And for the Prevention of making Seconds,

Be it Enacted, by the Authority aforesaid, That all Persons having the Rule and Direction of any Plantation or Place where Tobacco shall be made, shall be obliged Yearly, and every Year, during the Continuance of this Act, to cut up, or cause to be cut up, all the Tobacco-stalks on such Plantation or Place, within the Space of

Session Laws Twenty Days after the Tobacco shall be cut down and housed, on Pain of forfeiting Four Hundred Pounds of Tobacco for every Person employ'd in making Tobacco on such Plantation or Place; one Moiety to be applied towards supporting the Publick School of the County where the Fact shall be committed, and the other Moiety to any Person or Persons that will sue for the same; to be recovered in the County-court, where the Penalty shall exceed Four Hundred Pounds of Tobacco, by Action of Debt, Bill, Plaint, or Information, wherein no Essoyn, Protection, or Wager of Law shall be allowed: And where the Penalty shall not exceed Four Hundred Pounds of Tobacco, that the same shall be recovered by the Prosecutor, to his own Use, before a single Magistrate.

And be it further Enacted, That no Person having the Rule and Direction of any Plantation, shall sow, or cause or suffer to be sowed, any Tobacco-seed in Hills, on Pain of forfeiting Four Hundred Pounds of Tobacco for every Thousand Hills that shall be sowed with Tobacco-seed; to be recovered and applied in the same Manner as the Penalties for false Packing and false Taring are.

And be it further Enacted, That all Persons that sell or pay away their Tobacco shall be obliged to roll the same within one Mile at the least of some convenient Landing, within five Days after being thereunto requested by an Order in Writing under the Hand of the Proprietor, Agent, or Receiver of such Tobacco; which said Order shall be a sufficient Justification for the Parties Rolling it, if not prevented by the Act of God, on pain of forfeiting the Quantity of One Hundred Pounds of Tobacco, for every Hogshead that shall not be so rolled; to be recovered by the Party grieved, or by any other Person or Persons that will inform and prosecute for the same, to his and their own Use, in the same manner as small Debts are recoverable before a single Magistrate; for which such Person shall be allowed after the rate of Six Pence per Mile, for every Hogshead of Tobacco that shall be so rolled; to be recovered of the Party who signs the Order for Rolling of the Tobacco, before a p. 13 single Magistrate. And that all Persons shipping their own Tobacco, shall be obliged to roll the same within one Mile of some convenient Landing; under the like Penalties with those that sell or pay away their Tobacco; to be recovered by any Person that will prosecute for the same, before a single Magistrate, where the Penalty shall not exceed Four Hundred Pounds of Tobacco; and where it shall exceed that Quantity, to be recovered in the County-court, by Action of Debt, Bill, Plaint, or Information, wherein no Essoyn, Protection, or Wager of Law to be allowed. The one Half thereof to the use of publick Schools in the several Counties where such Forfeiture shall arise, the other Half to the Informer, or him or them that shall inform and prosecute for the same. Any Law, Usage, or Custom to the contrary, notwithstanding.

And be it Enacted, That such part of an Act of Assembly, Intituled, An Act for securing Merchants and others Tobacco, after they have received it, and the declaring the altering the Mark or Quality thereof to be Felony, and against false Packing, as relates to false Packing; and such Part of an Act of Assembly, Intituled, An Act ascertaining the Gauge and Tare of Tobacco-Hogsheads, and to prevent cropping, cutting, and defacing Tobacco taken on board Ships or Vessels upon Freight; and for laying Impositions on Tobacco per the Hogshead, for the Support of Government; and for the encouraging Settlements in this Province, by ascertaining the manner of paying his Lordship's Alienation Fines and Quit Rents, for the Term therein proposed, and for taking off the Three Pence per Hogshead formerly raised for the Publick Charge, so far as it relates to imposing a Penalty for false Tareing of Tobacco-Hogsheads; shall be and are hereby repealed and abrogated. Session Laws

This Act to continue in Force for Three Years from the End of this Session of Assembly.

An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of William Parks, of the City of Annapolis, Printer.

Chap. VIII [Continued by 1731, ch. 1, and expired in 1740]

Whereas at a former Session of this present General Assembly, held in the Month of March, Seventeen Hundred and Twenty Six, it was Resolved, That the said William Parks should print the Publick Laws, Speeches, and Answers, at the Opening each Session, and that he should be allowed Two Thousand Pounds of Tobacco for each County, by the respective Counties, Yearly.

And whereas the said William Parks, did (pursuant to the said Resolution) print and deliver to the Parties mention'd in the said Resolution, the several Publick Laws, enacted in the said Session of Assembly held in the said Month of March, and also in the Session of Assembly held in the Month of July, in the Year of Our Lord Seventeen Hundred and Twenty Six, for which there was due to the said William Parks, Two Thousand Pounds of Tobacco from each County respectively, according to the said Resolution. p. 14

And whereas the said William Parks, upon his Application to the Justices of the several Counties, for an Allowance of the Payment of the said Quantities of Tobacco so due to him as aforesaid, hath receiv'd the same from several Counties of this Province, but the Justices of some other Counties have (thro' a Misapprehension of the said Resolution) refused to allow and pay the same to the said William Parks: For the Remedying whereof, and for the Prevention thereof for the Future, as also for the Encouragement of the said William Parks, in the Service of the Country,

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and

Session Laws the Upper and Lower Houses of Assembly, and the Authority of the same, That the Commissioners of the several County-courts of this Province, are hereby impowered and directed to make an Allowance of Two Thousand Pounds of Tobacco in the Levy to be laid for each respective County, next after this present Session of Assembly; and that the said Two Thousand Pounds of Tobacco so to be allowed and assessed as aforesaid, shall be collected by the Sheriff of each respective County, and paid by him, free from all Charges of Collection, to the said William Parks, or his Order, for the Printing, and Stitching, and Delivering a Copy of the Publick Laws, Speeches, and Answers made at this present Session of Assembly, to every Member of Assembly, and Commissioner of the Peace for the Time being, and a Copy of such Laws (bound in Leather) to the Publick, and each House of Assembly, and to each County-court of this Province.

And be it further Enacted, by the Authority aforesaid, That the Commissioners of each County-court in this Province, during the Continuance of this Act, be and are hereby impowered and directed, at every Time of laying the Levy, in each respective County, after the End of this present Session of Assembly, to allow the Quantity of Two Thousand Pounds of Tobacco, Annually to the said William Parks, or his Order, for the Purposes aforesaid, which the said Justices are hereby impowered to levy upon the Inhabitants of the several Counties, with the Sheriffs Salary for Collection thereof.

And be it further Enacted, by the Authority aforesaid, That the Commissioners of each Court of the respective Counties, who have not already paid and allowed to the said William Parks, the said Quantity of Two Thousand Pounds of Tobacco, for Printing the Laws made at the Sessions of Assembly held in the Months of March and July as aforesaid, shall be and are hereby impowered and directed to allow the said Two Thousand Pounds of Tobacco to the said William Parks, in the Levy to be laid next after this present Session of Assembly, over and above the Two Thousand Pounds of Tobacco to be allowed him as aforesaid, for this present Session of Assembly.

This Act to continue in Force until the Twenty first Day of March which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty Two.

Chapter IX p. 15 [Altered by 1730, ch. 2]

An Act declaring the Bounds of Two Acres of Land, heretofore granted to Great-Choptank Parish, on which the Chapel in Vienna now stands.

Whereas at a Session of Assembly, begun and held at the City of Annapolis, the Sixth Day of October, Anno Domini Seventeen Hundred and Twenty Five, an Act was made, Investing the Vestry of Great-Choptank Parish in Dorchester County, with an Estate in Fee-simple, to Two Acres of Land therein mentioned: But forasmuch as there is not express'd, in the said Act, any Lines or Courses to circumscribe the same, nor Beginning prefixt thereto, whereby the said Vestry can ascertain or settle the Bounds thereof. For Remedy whereof, it is prayed that it may be Enacted, Session Laws

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Bounds of the said Two Acres of Land appropriated to the said Chapel at Vienna, in the Parish aforesaid, shall be and are hereby deemed and declared to be as follows, (that is to say,) Beginning at the North-East Corner of the said Chapel, and running thence East to Lieutenant Colonel William Ennall's Ditch; thence South, binding with the said Ditch Nine Perches; thence West, Twenty Perches; thence North, Sixteen Perches; thence East, Twenty Perches to the aforesaid Ditch; thence South binding therewith Seven Perches, 'till it intersects the aforesaid East Line drawn from the said Chapel, containing Two Acres of Land. And that the same Bounds and Lines, circumscribing the same, should be settled and perpetuated,

Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Vestry of the said Parish are hereby required and enjoyned, within Six Months from the End of this Session of Assembly, to run the said above-mentioned Lines, and place One Cedar Post at each Corner of the same, and enter the said Lines and Plat in their Register-Book of the said Parish.

An Act impowering the Vestry-Men and Church-Wardens of St. Paul's Parish in Baltemore County, to purchase One or more Acres of Land in the said Parish, and to build a Parish Church thereon; as also for raising a Fund, to compleat and finish the same. Chap. X

Whereas it is represented to this present General Assembly, by the major Part of the Inhabitants of St. Paul's Parish in Baltemore County, That the Church now belonging to the said Parish, is not only very Inconvenient to the greater Part of the Parishioners, but so small that it will hardly contain the Half of them, and is so very ruinous and decayed, that the Charge of repairing it will be almost as considerable as the Building a new One. It is therefore humbly prayed that it may be Enacted, p. 15

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Vestry-Men and Church-Wardens of the said Parish, or the major Part of them, be and are hereby au-

Session Laws thorized and impowered to agree for and purchase One or more Acres of Land in the most convenient Part of the said Parish, and to cause a new Church to be built thereon, for the Use of the said Parishioners; which said Church shall hereafter be deemed and taken as the Parish Church of the said Parish, and be called St. Paul's Church. And, for the better enabling the said Vestry-Men and Church-Wardens to proceed on the Purchase and Building aforesaid,

Be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Justices of Baltemore County-court for the Time being, shall (on Application to them made by the Rector, Vestry, and Church-Wardens of that Parish) by Virtue of this Act, be authorized and required, to assess the Sum of Ten Pounds of Tobacco on every Taxable Person within the said Parish, in every November Court Yearly and every Year, untill the said Land shall be paid for, and the said Church finished; which said Ten Pounds of Tobacco per Pole, the Sheriff of Baltemore County for the Time being, is hereby required to levy and collect the same, (for which the said sheriff shall be allowed Five per Cent and no more,) and pay the same to the Vestry-Men and Church-Wardens of the said Parish for the Time being, for the Uses aforesaid.

And whereas there is now in the Hands of the said Vestry, the Sum of Six Thousand Pounds of Tobacco, which cannot be applied otherways, than to the Repair of the new Church,

Be it Enacted, That the said Vestry-Men and Church-Wardens be and are hereby impowered to apply the said Six Thousand Pounds of Tobacco to the Uses herein before directed; any Law, Usage or Custom to the contrary, notwithstanding.

Provided always, That the said Vestry-Men and Church-Wardens, do not purchase any more than Two Acres of Land, or raise more than Forty Thousand Pounds of Tobacco, by the Ten per Pole, on the Inhabitants of the said Parish, towards the building the said Church; anything herein before contained to the contrary, notwithstanding.

Chap. XI p. 21 An Act for erecting a Court-House and Prison on the East Side of the Head of Port-Tobacco Creek, at a Place call'd Chandler-Town, in Charles County; and for making Sale of the Old Court-house and Prison.

Whereas the Magistrates of Charles County-court, by their humble Petition to this General Assembly, have set forth, That their Court-house is so far impaired, ruined, and decayed, that there is a Necessity for erecting a new One; and that the Place where the Court-house now stands, is so remote from any Landing, that the Charge of bringing Materials together, by Land-Carriage, for that End, will be much greater than if the same was to be built at the

Head of Port-Tobacco Creek, where they may be easily Water-born, and is a Place not only in that, but several other Respects, deem'd more beneficial for the Ease of the Inhabitants and Suitors to the said Court; and have therefore prayed Leave, That an Act may pass for the building the same at the Place aforesaid: All which being sufficiently made appear to this Assembly, together with the unanimous Voice and Consent of the Freeholders of the same County thereto, It is prayed that it may be Enacted, Session Laws

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Charles County-court, or the major Part of them, be and are hereby authorized and impowered, on or before the Second Tuesday of March, next after this Session of Assembly, to go to such Place commonly known by the Name of Chandler-Town, on the East Side of Port-Tobacco Creek, in the said County, and there make Choice of Three Acres of Land, whereon to build such Court-house and Prison, as they shall think necessary, and to agree with the Owner for the Purchase thereof forever. And in case the Owner or Owners of such Land, refuse to make Sale of such Three Acres of Land, at a reasonable Price, or be under any Disability of making Sale thereof; then the said Justices, or the major Part of them, shall be and are (by Virtue of this Act) authorized, impowered, and required, to issue their Warrants to the Sheriff of the said County, requiring and commanding him to impannel and return a Jury of the most substantial Freeholders, (not less than Twelve,) Inhabitants within the said County, to be and appear before the said Commissioners, at the said Place, upon a certain Day to be by them limited; which Jury, upon their oath, to be by the said Commissioners, or the major Part of them, administred to the said Jurors, shall enquire into the Value of the said Three Acres of Land, and the Damages the Owner or Owners thereof will sustain by the building a Court-house thereon; and what sum of Tobacco the said Jurors shall assess to the Owner or Owners of such Land for such Land and Damages, for building a Court-house and Prison thereon, shall be paid to the Owner or Owners of such Land, by the said County, and the County entituled to such p. 22 Land, for the use of the said County for ever. And the said Justices, or the major Part of them, are authorized and hereby impowered to cause the said Three Acres of Land to be laid out by the Surveyor of the said County, and a Certificate thereof to be returned and recorded in the County-court Records, and to treat and agree with Undertakers, or Workmen, to build and finish a Court-house and Prison on such Three Acres of Land as aforesaid; and the Charge of the said Works and Costs of the Land, to levy upon the said County, by an equal Assessment on the Taxable Persons therein; any Law, Statute, Usage or Custom to the contrary, notwithstanding.

Session Laws And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That after the building and finishing the said Court house, Charles County-court shall be held in such new Court-house, and not elsewhere; and such new House shall be taken and deemed to be the proper Court-house of Charles County. And the Justices of the said County, are hereby impowered and required with all convenient Speed, after finishing the said new Court-house at Port-Tobacco Creek as aforesaid, to remove, or cause to be removed from the old Court-house of the said County, to such Court-house as aforesaid, to be built in the said County, all the Record-Books, Rolls, Papers, and other Records to the said County-court belonging; and that they cause a List of the said Records to be Signed by the Clerk of the said County, and enter'd upon Record among their Proceedings.

And be it further Enacted, by and with the Advice and Consent aforesaid, That the Justices of the said County-court, or the major Part of them, are hereby authorized, impowered, and required (after building and finishing the new Court-house as aforesaid,) to make Sale of the old Court-house and Prison, with the Land thereto belonging, to the best Purchaser or Purchasers, and to convey an Estate thereof in Fee-simple, to them, their Heirs, and Assigns for ever:

And that the Money or Tobacco that shall arise by the Sale thereof, shall be applied to the Use of the County, towards defraying the Charge thereof; any Law, Statute, Usage or Custom to the contrary, notwithstanding.

[Chap. XII–XX were private laws; text has not been found]

Chap. XXI p. 23 An Act for Relief of William Maria Farthing, a languishing Prisoner in St. Mary's County, John Conoway, W. Jones, John Cook, Philip Anthony Ussleman, Samuel Glover, and Lawrence Hays, languishing Prisoners in Anne-Arundel County, John Peddycoat, a languishing Prisoner in Baltemore County, John Wood, a languishing Prisoner in Anne-Arundel County, Thomas Hill, a languishing Prisoner in Talbot County, Clarina Gilly, a languishing Prisoner in Calvert County. John Glassington, a languishing Prisoner in Baltemore County, and Avinio Butler, a languishing Prisoner in Talbot County.

Whereas William Maria Farthing, of St. Mary's County, John Conoway, William Jones, John Cook, Samuel Glover, and Lawrence Hays, of Anne-Arundel County, John Peddycoat, of Baltemore County; John Wood, of Anne-Arundel County; Thomas Hill, of Talbot County; Clarina Gilly, of Calvert County; John Glassington, of Baltemore County; and Avinio Butler, of Talbot County; have (by their humble Petitions to this present General Assembly,) severally set forth, That they have continued Prisoners for Debt in the Custody of the Sheriffs of the several Counties aforesaid; viz.

William Maria Farthing, in the Custody of the Sheriff of St. Mary's County; John Conoway, William Jones, John Cook, Samuel Glover and Lawrence Hays, in the Custody of the Sheriff of Anne-Arundel County; and John Peddycoat, in the Custody of the Sheriff of Baltemore County; John Wood, of Anne-Arundel County; Thomas Hill, of Talbot County; Clarina Gilly, of Calvert County; John Glassington, of Baltemore County; and Avinio Butler, of Talbot County; for a considerable Time past, and still continue in the like deplorable Circumstances, not being able to redeem their Bodies with all their Estate or Interest they have in the World; which they would readily surrender up and part with to their several and respective Creditors, if they would accept of the same, and grant the said Petitioners their Liberty, which seems so unlikely for them to obtain; that (unless reliev'd by a particular Act to be past in their Favour, which by their said Petitions they have humbly prayed,) they must inevitably continue Prisoners for Life, and thereby their Families utterly ruined; and for that the Truth of the said Petitioners Allegations is made appear to this General Assembly by sufficient Testimony, and that the said Petitioners, and their Families are fit Objects of Charity, and that their lying in Goal can be no Benefit to their Creditors: It is humbly prayed that the said Petitioners may be relieved according to their Prayer. And that it may be Enacted. Session Laws

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That unless all or any of the Creditors of the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, Avinio Butler, John Wood, Thomas Hill, Clarina Gilly and John Glassington, or the Creditor or Creditors of any or either of them, or the Attorney or Attorneys of such Creditor or Creditors aforesaid within this Province, shall within Twenty Days, after the End of this Session of Assembly, go to the Sheriffs of the aforesaid Counties of St. Mary's, Anne-Arundel, Baltemore, Talbot and Calvert; and give good Security to pay the Imprisonment-Fees of Ten Pounds of Tobacco per Day, that shall or may become due from the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, after the End of the said Twenty Days; and also to find the p. 24 said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington and Avinio Butler, sufficient Meat, Drink, and Cloathing, during their future imprisonment, in case they the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence

Session Laws

Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, shall deliver up and surrender, or cause to be delivered up and surrendered to the Sheriffs of St. Mary's, Anne-Arundel, Baltemore, Talbot, and Calvert Counties aforesaid, in the Presence of Two Justices of the Peace in each of the said Counties, whom the said Sheriffs are hereby required to summon on the Request of the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, at the Dwelling, Plantations, or Places of Abode of the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, at some convenient Time before the Twentieth Day of December next, all their real and personal Estate, either in Possession, Reversion, or Remainder; or in Trust, or in or unto which they have, or any or either of them hath any Claim or Interest whatsoever; and do likewise, by the Day beforementioned, convey, assign, transfer, and make over unto the said Sheriffs of St. Mary's, Anne-Arundel, Baltemore, Talbot, and Calvert Counties, for the Use of their said Creditors, all such their Estate, Interest, or Claim as aforesaid; after such Manner as by the said Sheriff, and the major Part of the said Creditors, or of such of them as shall think fit to direct therein, or their Council learned in the Law, shall reasonably devise or require, at the Costs and Charges of such Persons, as shall claim the Benefit thereof; so as the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, be not burthened with any Warrantees thereby, other than from themselves, or those that claim by, from, or under them; and that the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, and either of them at the Time of such their Surrender, and transferring their Estate as aforesaid, shall take his or their solemn Oath, or Oaths, or Test, before the said Two Justices of the respective Counties aforesaid, so to be summoned as aforesaid, to the Effect following, viz.

"I A. B. do solemnly swear, That the Goods, Debts, and Effects, "which I have delivered, assign'd, and made over to the Sheriff of " County, and in Trust for the Use of my Creditors, is "the whole Estate, both Real and Personal, of my own in Posses- "sion, or have any Title to in the World: And that I have not any "Estate, Goods, or Effects of any kind whatsoever left, either in

" Possession, or Reversion, Remainder; (the necessary Wearing Session Laws
" Apparel for myself, Wife, and Children excepted,) And that I
" have not directly or indirectly, sold, leased, or otherwise conveyed,
" disposed of, or intrusted, all or any Part of my Estate, thereby to p. 25
" secure the same, to receive or expect any Profit or Advantage
" thereof." So help me God.

It shall and may be lawful for the Sheriffs of the respective Counties aforesaid, after the End of the said Twenty Days, and the said Sheriffs are hereby required to discharge the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, out of their Custody, and suffer them to go at Large.

And be it further Enacted, That upon the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, their complying with what is required of them, by this Act, That they the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, and either of them, they, and either of their Heirs, Executors, or Administrators, shall be, by Virtue of this Act, acquitted, exonerated, released, and discharged, off and from all manners of Debts, Duties, Claims, and Demands whatsoever that have been severally contracted by them, or have arose due or become demandable from them at any Time before the Sitting of this present General Assembly: And that in case the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, or either of them, shall, after their Compliance and Discharge as aforesaid, be arrested or sued for any such their Debts or Duties as aforesaid, or that the said Sheriffs should be sued for any Matter or Thing required of them or either of them to be done by this Act: That then the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, or the said Sheriffs, or either of them whom it may concern, may enter a Common Appearance or Appearances without Special Bail to any such Action or Actions as shall be brought against them, or either of them, and plead thereto the General Issue, and give this Act, or the Exemplification thereof with the Special Matter thereon arising in Evidence; and that in case the Plantiff or Plantiffs, commencing and bringing such Action or Actions as aforesaid, shall be Nonsuit, the Defendant or Defendants shall recover against him

Session Laws or them double Costs of Suit; any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And be it further Enacted, That the Sheriffs of the several and respective Counties aforesaid, and either of them, shall (after such Surrender and Delivery up as aforesaid,) give publick Notice at the Churches, Court-houses, and Mills, within the said Counties of p. 26 some precise Time, by them the said Sheriffs and the said Two Justices to be appointed, for the Distribution of the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, their Effects and Estate, not less than Twenty Days after the Time of the making the said Surrender; and shall then and there, in the Presence of Two such Justices as aforesaid and by their Advice and Directions, make Distributions of the Estate or Estates of the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, or of the Estate or Estates of either of them, so as aforesaid to be surrendred and deliver'd up or transferred, amongst such of their said Creditors only, as shall then by themselves, or their lawful Attorney or Attorneys, think fit to be present at such Distribution, by an equal and proportionable Distribution thereof to every such Creditor, with Respect had and in Proportion to the Largeness of his or her Debt: The Proceedings of the said Justices and Sheriffs in that Behalf, to be certified to the Courts of the several Counties aforesaid, and there lodg'd for the Perusal of any of the Creditors of the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, that shall require the same, without any Fee to be paid thereon, or for such Lodging thereof. Saving the Right of the said Lord Proprietor, his Heirs and Successors, and of all Bodies Politick and Corporate.

Provided nevertheless, That in case the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, or either of them, shall at any Time after the making such his or their Oath or Oaths, or taking such Test as aforesaid, be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach or Noncompliance with the Tenour of such Oath or Test; That then the said William Maria Farthing, John Conoway, William Jones, John Cook, Samuel Glover, Lawrence Hays, John Peddycoat, John Wood, Thomas Hill, Clarina Gilly, John Glassington, and Avinio Butler, or such of them as shall be convict as aforesaid, shall, upon such Conviction, be adjudged to stand Two Hours in the Pillory, and have his Left Ear cut off, and shall be wholly deprived of any Benefit design'd him, them, or either of them by this Law; and shall be from thenceforth liable to be prosecuted for any Debts or Demands whatsoever, in the same manner as if this Act had never been made; any Thing therein contained to the contrary, notwithstanding.

Session Laws

Provided likewise, and be it Enacted, by the Authority, Advice and Consent aforesaid, upon taking the Oath aforesaid, all and every Judgment now had and taken, or that shall hereafter be obtained, had and taken, against any of the aforementioned Prisoners, by any of their Creditors, for any Debt or Debts owing and remaining due from any of them to such their Creditors, after such Surrender and Distribution made as aforesaid, shall be and stand good and effectual in Law to all Intents and Purposes, against the Lands, Tenements, and Hereditaments, Goods, and Chattles that the said several Prisoners so discharged as aforesaid, shall hereafter acquire, and come to the Possession of, and in their own Right only. And it shall and may be lawful to and for the Creditors of the said Several Prisoners so discharged as aforesaid, their Executors, Administrators or Assigns, to take out any new Execution against the Lands, Tenements, Hereditaments, Goods and Chattles of the Prisoner or Prisoners aforesaid, (his or their Wearing Apparel, Bedding for his or their Family, and Tools necessary for his or their Trade, or Occupation, and what may be necessary for their Subsistance, not exceeding the Value of Five Pounds current Money,) for the Satisfaction of the Remainder of his or their said Debt, in such Sort, Manner and Form as he or they might have done, if the Person or Persons of the said several Prisoners so discharged as aforesaid, had never been taken in Execution; any Act, Statute, or Custom to the contrary, notwithstanding.

p. 27

Provided always, That William Maria Farthing shall not be entituled to any Benefit or Priviledge by Virtue of this Act, until he give good Security for his good Behaviour for Twelve Months, before Two Justices of the Peace for St. Mary's County; any Thing in this Act contained to the contrary in any wise notwithstanding.

And be it Enacted, That Philip Anthony Ussleman, upon giveing Security in the Sum of Fifty Pounds current Money of Maryland, for his good Behaviour, during his Continuance within this Province, shall be discharged from his Imprisonment.

[Chap. XXII–XXVIII; were private laws; text has not been found]

An Act for the Payment and Assessment of the Publick Charge of this Province, for this present Year One Thousand Seven Hundred and Twenty Seven.

Chap. XXIX

Whereas there hath been the Sum of Three Hundred and Eighty Five Thousand, Nine Hundred and Forty One Pounds of Tobacco, and three Hundred and Seventy One Pounds Nine Shillings cur-

Session Laws rent Money of Maryland, in Money, laid out and expended for the Publick Charge of this Province, to the Twenty Eighth Day of October, in the Year of our Lord One Thousand Seven Hundred and Twenty Seven: To the Intent the same may be Satisfied and paid to whom the same is due, as by the Journals of the Levy and Lists of Payment thereto annexed appears,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority p. 28 of the same, That the said Sum of Three Hundred and Seventy One Pounds, Nine Shillings current Money aforesaid, be satisfied and paid to whom the same is due, out of the Publick Stock of Money lodg'd in the Treasurers Hands of this Province; and that the Tobacco now raised and to be lodged in the Hands of the several Sheriffs of this Province, be applied, and a Levy or equal Assessment of Fifteen Pounds of Tobacco per Poll be, by Virtue of this Act, levied and assessed upon the Bodies and Estates of the Taxable Inhabitants of this Province, and paid to the several Persons to whom it is due, according to the Journal of Accounts and Disbursements for the necessary Charges of this Province, which have been examined, and now stated and allowed of by this present General Assembly.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, October 3–November 2, 1728.
Being the First Session of the Assembly elected in 1728.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

BENEDICT LEONARD CALVERT,
Governor.

PROCEEDINGS

THE UPPER HOUSE OF ASSEMBLY

October 3–November 2, 1728.

Maryland ss.

U. H. J.
Liber P
No. 32
p. 339
[Original
not to be
found]
October 3

At a General Assembly of the province of Maryland begun and held at the City of Annapolis the third day of October Anno Domini 1728 in the second year of the reign of our Sovereign Lord George the second and in the fourteenth year of his Lordships the Lord Proprietarys Dominion &c. being the first Session of the present General Assembly

Were Present

His Excellency Benedict Leonard Calvert, Governor

The honble	Col° William Holland	Benjamin Tasker	Members of the Upper House
	Col° Richard Tilghman	Philip Lee Esq^{rs}	
	Col° Mathew T. Ward	Nicholas Lowe	
	John Rousby Esq^{r}	Charles Calvert	

James Harris and John Beale Esq^{r} from the Lower House attend & acquaint his Excellency that there are a sufficient number of members met to make a House and proceed upon Business and wait his Excellencys Commands

Whereupon Col° Mathew Tilghman Ward and Benjamin Tasker Esq^{r} are sent down to the Lower House to administer the Oaths appointed to be taken to his present Majesty King George the Second to the Several members of that House.

Ordered that the Clerk of this House attend them

They return and say they have Administered the said Oaths to the several Members then present being in number forty four and that they all Subscribed the Oath of Abjuration and Test.

Philip Lee and Nicholas Lowe Esq^{rs} are sent down to the Lower House by his Excellency the Governor to acquaint them that he requires their attendance in the Council Chamber immediately

Who return and say they delivered their message

Whereupon the whole House attend on his Excellency and he requires them to return to their own House and make Choice of a Speaker

The whole House again attend on his Excellency and present

U. H. J. Col° John Mackall their Speaker for his approbation whom (notwithstanding his endeavours to disqualify himself) his Excellency is pleased to approve of after which he prayed Freedom of debate in their House and priviledge of their persons from Arrests whilst in the Service of their Country and access for himself to his Excellency in any special Occasion and then withdrew

Adjourn'd till to Morrow Morning nine of the Clock.

October 4 Friday Morning October the 4th. 1728

This House met again according to Adjournment

p. 340 Present as yesterday except Charles Calvert Esqr

Mr Richard Warfield and Edmund Jenings Esqr attend with Robert Gordon Esqr one of the members elected for the City of Annapolis in order to see him qualified

Whereupon the said Robert Gordon took the several Oaths to the Government appointed to be taken by Act of Assembly and Subscribed the Oath of Abjuration & Test according to the directions of the said Act after which they withdrew

Daniel Dulany and John Beale Esqrs from the Lower House attend with Mr Michael Macnemara chosen by that House as Clerk thereof for his Excellencys Approbation of which choice his Excellency is pleased to approve

And thereupon the said Michael Macnemara took the Oaths to the Govt appointed to be taken by Act of Assembly subscribed the oath of Abjuration & Test and also took the Oath of Clerk of the Lower House & then they withdrew

Col° Richard Tilghman and John Rousby Esqr are sent to the Lower House to acquaint them that his Excellency requires the Speaker and the whole House to attend him in the Council Chamber

Who return and say they Delivered their message

The Speaker and the whole House accordingly attend on his Excellency to whom he is pleased to make the following Speech viz.

Gentlemen of the Upper and Lower Houses of Assembly

The prosperity of the province of Maryland is the Subject of my daily wishes as it ever shall be of my constant endeavours and I embrace with pleasure every opportunity to Advance it hence arises the Satisfaction with which I meet you at this time the choice of Representatives which the Country seem to have made gives me the agreable Prospect of an happy issue to our Consultations whereby the Sovereign Interest of the Crown the Government of the Lord

Proprietary and the Welfare of the people may be happily Improved to mutual Satisfaction U. H. J.

I have it in Command from his Lordship to assure you that nothing could ever be more disagreable to him than the least appearance of difference between him and his Tenants, some former votes in the House of Burgesses did first Alarm his Lordship and put him on his Guard lest by joyning therein or in some Consequences of them he should be led insensibly into Resolutions of the nature of the Sovereign Right of the Crown of England to this Province an inquisition equally nice and dangerous from hence arose a Cautious Regard to everything that might seem any ways to interfere with a Title so far above his [Conisance] tis from a like wary Concern that he has found himself Obliged to Disassent to the late Act prescribing the Oath of Justice forasmuch as the words thereof not only seem to reflect on the Crown but may also be Genuinly Construed as intended to Affect his Majestys Royal Prerogative in several of its Branches as well in those reserved peculiarly to his sovereign person as in those delegated to or rather deposited and trusted by the Charter to the Lord Proprietary for the safe Guarding of which from dimunition his Lordship is as accountable as for any ill use he could make of them his Lordship in duty to his Trust and in Justice to himself and you has hitherto and will ever preserve the Royal Charter Inviolable on his part and whatever is the Constitution of this Province by the said Charter as well as all Consequential Rights Customs and Usages his Lordship is most willing to secure to you and has therefore Ordered me to lay before you the form of an Oath whereby the same measure of Law and right will be preserved to you and your Posteritys which your Ancestors and your selves have ever enjoyed p. 341

I am also to acquaint you from his Lordship that the General Address of the last Session of Assembly to his Majesty has been presented by his Lordship and by his Majesty most Graciously Received

I am desired by the Government of Virginia to lay before you the draught of an Act passed the last Session of Assembly for the erecting a light House on Cape Henry to which they desire the Concurrence of this province by a like Act to be made here it has been a matter so long talked of that you must be best apprized of the Usefulness of it

I think I need not recommend to you the careful pursuit of our common Interest in Advancing the Staple of this province but as you best know the evils that at present debase it you can best Advice the way for Relief

I shall now leave you with a word or two concerning myself, as nothing can be more shocking to an Ingenious mind than a distrust

U. H. J. of profess'd sincerity so I hope you will exert that particular Characteristick of English men called good nature and not be mistrustful of me because I am your Governor (as some persons void of all principles of Honour would without Doors Suggest) but rather believe that (as I have the Honour to descend from those who were the nursing Fathers of this Colony when I may say it was yet at the Breast) their Affection for this province with their Blood descending is equally infused in me and that I want nothing so much to aliken myself yet more to them but such a Confidence from you as they from your Ancestors Enjoyed be then assured that as far as the engaged duty of my Station will admit I will readily Cooperate with you in anything you desire & I hope you will never press me to anything that a negative must attend since I cannot deny you without the most sensible Regret

My frequent Indispositions threaten me with a Short Continuance amongst you wheresoever I may be (if on Earth) every faculty of my mind & Body will ever be devoted to the Service of the Province of Maryland.

p. 342 After which his Lordships Dissent to the said Act for ascertaining the Oath of Judge or Justice was read

And then the Speaker and the whole House withdrew

Adjourn'd till to morrow Morning nine of the Clock

October 5 Saturday morning October the 5th 1728

This House met again according to adjournment.

Present.

The honble	Col^{o} William Holland	John Rousby Esq^{r}	Members of the Upper House
	John Hall Esq^{r}	Benj^{a} Tasker Esq^{r}	
	Col^{o} Richard Tilghman	Philip Lee Esq^{r}	
	Col^{o} M. Tilghman Ward	Nicholas Lowe Esq^{r}	

A Message from the Lower House by James Holliday & M^{r} Thomas Tolly viz.

By the Lower House of Assembly October the 5th 1728

May it please your Honours.

This House in order to dispatch the publick Business as much as in them lies have entred a Resolve to sit from nine of the Clock in the forenoon till four in the Afternoon and desire to know whether the time proposed be agreable to your Honours

Signed ꝑ order M Macnemara Cl. lo. Ho.

To which the following answer is prepared and Sent to the Lower House by Col° R^{d} Tilghman Viz. U. H. J.

By the Upper House of Assembly October the 5th 1728

Gentlemen

The time of sitting for the dispatch of the publick Business of this Province proposed in your Message of this day by James Holliday Esq^{r} & M^{r} Thomas Tolly is agreed to by this House

Signed ꝑ Order Geo. Plater Cl Up Ho.

Read the petition of the Inhabitants of the Upper part of Saint Pauls Parish in Queen Anns County praying a division of the said Parish which is ordered to be thus endorsed viz.

By the Upper House of Assembly October the 5th 1728

Read and Recommended to the Consideration of the Lower House of Assembly

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

Read the petition of John Critchard and William Kid of Calvert County praying relief against a Contract made for Building the Court House of the said County as well as Satisfaction for their Labour as also the petition of Clarina Gillys a poor languishing prisoner in the said County which are ordered to be thus endorsed viz.

By the Upper House of Assembly October the 5th 1728

Read and referred to the Consideration of the Lower House of Assembly

Which petitions so severally endorst were

Signed ꝑ Order Geo: Plater Cl. Up. Ho.

Sent to the Lower House by Col° Mathew Tilghman Ward.

A Message from the Lower House by M^{r} Samuel Hanson & Edmund Jenings Esq^{r} viz.

By the Lower House of Assembly October the 5th 1728

May it please your Honours.

We have appointed M^{r} Samuel Hanson M^{r} Key M^{r} Jenings & M^{r} Knight members of our House a Committee to inspect the Publick Records lately transcribed at the Expence of the Country which we acquaint your Honours with that you may if you think it proper appoint some of your House to joyn with them p. 343

Signed ꝑ Order M. Macnemara Cl. lo. Ho.

U. H. J. Which is ordered to lye on the Table

John Hall Esq^r (in the Absence of Col^o William Holland) attended by the rest of the members of this House Waite of his Excellency the Governor and present to his Excellency their Answer to his most favourable Speech to both Houses of Assembly in the Council Chamber at the opening of the Session which is as follows viz.

To His Excellency Benedict Leonard Calvert Governor and Commander in chief in and over the Province of Maryl^d

The humble Address of the Upper House of Assembly

May it please your Excellency

The many Instances we have already had of your Excellencys tender regard for the Prosperity of this his Lordships Province of Maryland increased by the present Assurances you have been pleased to give us in your most favourable Speech to both Houses of Assembly at the opening of this Session justly merits our Unfeigned thanks and inspires us with firm resolutions to use our utmost endeavours for preserving the Sovereignity of the Crown the Government of the Lord Proprietary and the Common Welfare of the people so as to promote your Excellencys further Satisfaction and a general Tranquillity

The Assurance his Lordship hath been pleased to direct your Excellency to give us of his Aversion to any difference with his Tenants we Gratefully Accept, and in return to such a Condescending Declaration think ourselves obliged to a strict Conformity of our duty and in all respects to demean ourselves so to his Lordship as not to give any just occasion to discompose so obliging a disposition

And as by the Act prescribing the Oath of Justice to which his Lordship has been pleased to disassent) we never intended anything that should reflect on the Crown or affect his Majestys Royal prerogative either in respect to his Sovereign power or the Charter to the Lord Proprietary both which we think ourselves Obliged inviolably to preserve so if we have been so unhappy as to use any Expressions in that Act which will bear a Construction so Contrary to our Intentions upon being made sensible thereof we shall readily retract, Alter and Amend them in such manner as shall be satisfactory to his Lordship and your Excellency and suitable to the Royal Charter and the rights customs and usages of this Province which his Lordship in so obliging a manner has expressed his good Inclinations to preserve to us and our posterity.

p. 344 His Lordships Goodness in presenting the General Address of the last Session of Assembly to his most Sacred Majesty requires our Grateful Acknowledgment

We shall carefully and maturely Consider the Virginia Act for erecting a Light House upon Cape Henry when your Excellency shall be pleased to lay it before us together with what you have been pleased to Observe relating to the Staple of Tobacco and therein and in every matter or thing (else) which shall come under our Consideration endeavour to Act in such manner as may be most Conducive to the preservation of his Lordships Interest and prerogative the Constitution Laws and Customs of this Province and the Common good & Welfare of the Inhabitants thereof. U. H. J.

It is with great Concern we Observe what your Excellency has been pleased to say relating to your own person but hope nothing of that distrust of your profess'd Sincerity which you are pleased to mention can be imputed to our House or any one member thereof on the Contrary we Unanimously take leave to Assure your Excellency that it is with pleasure we Constantly observe you Acting with great Concern for the common good & we do sincerely believe that you really intend the publick Welfare with as Great Affection as any of your noble Ancestors.

We will at all times carefully Avoid Offering anything to your Excellency which we have reason to believe may justly merit a denial but if at any time a difference of Opinion happens between your Excellency & our House or any of the members of it about Controverted points we Intreat that you will not impute it to sinister Designs or any Diffidence in us of your Sincerity for the publick good but rather to the Fallible nature of mankind which is not always capable of Infallibly discerning truth from whence often arises Contentions and a pursuit of the same good end by different methods

We are very sorry for your Excellencys Indisposition but hope it will not long Continue and that you may enjoy such a State of Health as will Induce you long to remain amongst Us and by a continued Impartial Administration of Government convince Distrustful minds (if any such there be) of your Sincere Intentions to promote the common good for which may you receive a General Applause and the Grateful Acknowledgments of all the Good People of this Province of Maryland

Which Address was Subscribed by all the members present

To which his Excellency was pleased to make the following Reply

Gentlemen

My Sincerest thanks Attend your very Affectionate Address your Resolution to support the mutual rights of Government and People by the Secure Rule of the Royal Charter as it is most just I think I cannot fail Giving universal Satisfaction his Lordships p. 345

U. H. J. Cautious mislike of the words in the late Oath arose not from any supposed evil intention in the persons enacting but from a Concern least anyone hereafter might put a Construction on them injurious either to the Proprietor or People which he was afraid the Unguarded Generality of them might possibly Admit The Oath proposed by his Lordship seems to Provide an Universal security against all Innovations & most likely to attain the Good end we all Contend for the Peace and Prosperity of the Province of Maryland

Benedict Leonard Calvert

Ordered that the said Address with his Excellencys Reply be forthwith printed.

Adjourned till Monday Morning nine of the Clock

October 7 Monday Morning October the 7th 1728

This House met again according to Adjournment Psent

The honble
Col° William Holland
John Hall Esqr
Col° Richard Tilghman
Col° Mathew T. Ward
John Rousby Esqr
Benjamin Tasker
Philip Lee Esqrs
Nicholas Low
Charles Calvert
Members of the Upper House

Mr Joshua George and Mr Philip Key from the Lower House attend with Mr Levin Gale Mr Robert King Mr George Dashiel & Mr William Stroughton Members elected for Somerset County in order to see them qualified.

Whereupon the said Levin Gale George Dashiel Robert King and William Stroughton take the Oaths appointed to be taken to the Government by Act of Assembly of this Province and severally subscribe the Oath of Abjuration & Test according to the directions of the said Act & then withdrew

Read the Petition of Gabriel Moran of Charles County praying a Bill may be brought in for his naturalization

Read the petition of Sarah Massey of the City of Philadelphia praying An Act to supply A Defect in the acknowledgment of certain deeds

Read the petition of the Reverend Mr William Tibbs of Baltimore County praying a Regulation of the Visitors of the Free School of that County

Read the petition of the Upper part of the Inhabitants of William and Mary Parish in Saint Marys County praying a Regulation of the several parishes of that County.

Read the petition of part of the Inhabitants of St Marys County praying leave to bring in a Bill for erecting and Building a Town

on that part of the County where the Court House now stands which U. H. J.
petitions are Ordered to be severally thus endors'd viz.

By the Upper House of Assembly October the 7th 1728

Read and referred to the Consideration of the Lower House of Assembly.

Signed ꝑ Order Geo: Plater Cl. Up. Ho.

Which Petitions are sent to the Lower House by Jno Rousby p. 346
Esqr

The following Message is prepared & sent to the Lower House by Colo Richard Tilghman viz.

By the Upper House of Assembly October the 7th 1728

Gentlemen

In Answer to your Message on Saturday last by Mr Samuel Hanson and Edmund Jenings Esqr we must acquaint you that Mr Lloyd (who is nearly Concerned in inspecting the Records) is every day expected in this House, if it will not be Prejudicial to the Business of your House to defer that Committee three or four days whether he comes or not we shall then appoint some members to join such members as are appointed by your House for that purpose

Signed ꝑ Order Geo Plater Cl. Up Ho.

Adjourned till to morrow morning nine of the Clock

Tuesday Morning October the 8. 1728 October 8

This House met again according to Adjournment, Psent as yesterday

Read the several Petitions of John Nowell, John Powell Mary Gordon Samuel Stevens Thomas Price John Worsley and Sarah Whitehall poor Languishing Prisoners in Ann Arundel County Goal which are Ordered to be severally thus endors'd viz.

By the Upper House of Assembly October the 8th 1728

Read and Referred to the Consideration of the Lower House of Assembly

Signed ꝑ Order Geo Plater Cl. Up. Ho.

Which Petitions were sent to the Lower House by Nicholas Low Esqr

A Bill from the Lower House by James Holliday Esqr & Mr George Robins Entituled An Act to repeal An Act Entituled An

U. H. J. Act to prohibit the Importation of Bread Beer Flour &c^a^ from Pensylvania & the Territories thereto belonging thus endorsed viz.

By the House of Delegates October the 8. 1728

Read the first & Second time by especial Order and will pass.
Signed ℘ Order M. Macnemara Cl. Lo. Ho.

Read the first time in this House and Ordered to lie on the Table
Adjourned till to Morrow Morning nine of the Clock

October 9 Wednesday Morning October the 9th 1727

This House met again according to Adjournment present as yesterday

Read the petition of Francis Gatterel of Ann Arundel County praying leave to bring in a Bill to make good and valid a deed of Bargain & Sale when recorded which is ordered to be thus endorsed viz.

By the Upper House of Assembly October the 9th 1728

Read and Referred to the Consideration of the Lower House of Assembly
Signed ℘ Order Geo: Plater Cl. Up. Ho.

Read the petition of John Smith late Sheriff of Cecil County praying relief against a Judgment Rendered against him in the Provincial Court which is Ordered to be thus endorsed viz.

p. 347 By the Upper House of Assembly October the 9th 1728

Read and Recommended to the Consideration of the Lower House of Assembly.
Signed ℘ Order Geo. Plater Cl. Up. Ho.

Which petitions were sent to the Lower House by Philip Lee Esq^r^

A Bill from the Lower House by Col^o^ John Fendall & M^r^ John Courts Entituled An Act for the relief of John Beale of Charles County thus endors'd viz.

By the House of Delegates October the 9th 1728

Read first and second time and will pass
Sign'd ℘ Order M Macnemara Cl. Ho. Del.

Read the first time in this House and ordered to lie on the Table U. H. J.

The following message is prepared and sent to the Lower House by Charles Calvert Esq^r^ viz.

By the Upper House of Assembly October the 9th 1728.

Gentlemen

On Reading the Bill Entituled An Act to repeal An Act Entituled An Act prohibiting the Importation of Bread Beer flour &c^a^ we perceive you have altered the usual Stile in the Enacting part thereof for which we desire to know your Reasons before we pass that Bill

Signed ꝑ Order Geo: Plater Cl. Up. Ho.

Adjourned till to Morrow morning nine of the Clock

Thursday morning October the 10th 1728 October 10

Met again according to Adjournment Present as Yesterday

A Message from the Lower House by Captain Robert King & M^r^ John Courts viz.

By the House of Delegates October the 10th 1728

May it please Your Honours

In Answer to your message by Charles Calvert Esq^r^ dated Oct^r^ the 9th 1728 we acquaint your Honours that we are the Deputys, Representatives or Delegates of all the Freemen of Maryland not excepting even your Honours in this Assembly and we therefore think ourselves to have a right to use any of the said Terms

Signed ꝑ Order M Macnemara Cl. Ho. Del.

To which the following Answer is prepared and sent by John Hall Esq^r^

By the Upper House of Assembly October the 10th 1728

Gentlemen

In Answer to your message by Captain Robert King and M^r^ John Courts we Observe that the stile to our Laws now in force is not only Agreable to his Lordships Instructions (at the Restoration of his Government to his then Governor) and Agreed to and setled by Consent of both Houses of Assembly as you may perceive by the Journals in July Anno Dom 1716 but Consonant to the Practice of this Province before the Administration of the Government was in the Crown wherefore we think it unnecessary to alter a Stile so well Established

Signed ꝑ Order Geo Plater, Cl. Up. Ho.

U. H. J. Read the petition of the Vestry Church Wardens & Inhabitants of S^t^ Anns Parish in Ann Arundel County praying leave to bring in a Bill for levying Tobacco in the said Parish towards the enlargement of a Church & building a Chappel thereon p. 348

Read the petition of John Stokes of Baltimore County praying an Explanatory Clause to be added to the Law for making of Hemp

Read the petition of Thomas Jacks a languishing prisoner in Ann Arundel County Goal which are ordered to be severally thus endorsed viz.

By the Upper House of Assembly October the 10th 1728

Read and Referr'd to the Consideration of the Lower House of Assembly

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

Which petitions are sent to the Lower House by Col° Richard Tilghman

A Message from the Lower House by Captain Robert King and M^r^ John Courts viz.

By the Lower House of Assembly October the 10th 1728

May it please your Honours

In answer to your message of this day by John Hall Esq^r^ we take leave to acquaint your Honours that we have an undoubted right to use any of the Terms, Delegates, Deputyes or Representatives it being true in fact that we are such to all the free People of Maryland, and the terms themselves being proper However that no Obstruction be given to the publick Business of this Sessions we are Content to make use of the same stile that hath been made use of for sometime past always saving and reserving to ourselves the people we represent and our Posterity all their rights and protesting that neither they or we are to be prejudiced by the present Concession which we make for the sake of dispatching publick business

Signed ꝑ Order M. Macnemara Clk. Lo Ho.

Read the second time the Act to repeal An Act Entituled An Act prohibiting the Importation of Bread &c. As also the Act for Relief of John Beale of Charles County which are Ordered to be severally thus endorst viz.

By the Upper House of Assembly October the 10th 1728

Read the second time and the Stile of the enacting part being made as usual this Bill will pass.

Signed ꝑ Order Geo Plater Cl Up Ho.

The first of which is sent down to the Lower House by Col° Mathew Tilghman Ward and the last by John Rousby Esq^r U. H. J.

Adjourned till to morrow morning nine of the Clock.

Friday morning October the 11th 1728 October 11

This House met again according to Adjournment Present as yesterday

Read the petition of the Vestrymen Church Wardens & Inhabitants of Durham Parish in Charles County praying a Law to pass to Add part of Port Tobacco parish to the said parish ordered the said petition be thus endors'd viz.

By the Upper House of Assembly October the 11th 1728

Read & Referred to the Consideration of the Lower House of Assembly

Signed ꝑ Order Geo. Plater Cl Up. Ho.

Sent down by Benj Tasker Esq^r

Adjourn'd till to morrow morning nine of the Clock p. 349

Saturday morning October the 12th 1728 October 12

This House met again according to Adjournment

Present as Yesterday except Col° Mathew Tilghman Ward

An Engross'd Bill from the Lower House by M^r Samuel Hanson & M^r John Courts viz. Entituled An Act for the relief of John Beale of Charles County thus Subscribed viz.

By the Lower House of Assembly October the 12th 1728

Read & Assented to.

Signed ꝑ Order M. Macnemara Cl lo. ho

Which was read & Assented to by this House & Ordered to be so Subscribed

The Paper Bill so Endorst is sent to the Lower House by Nicholas Lowe Esq^r

A Message from the Lower House by M^r Samuel Hanson & M^r Stephen Knight viz.

By the Lower House of Assembly October the 12th 1728

May it please your Honours

The Inspection of the publick Records lately Transcribed at the

U. H. J. Publick Charge being of Consequence and your Honours having promised by your message of the 7th Instant by Col° Tilghman that if Mr Lloyd did not come in three or four days you would then readily appoint some members of your House to join with those of ours to inspect the said Records we now desire your Honours to appoint some of your members accordingly

Signed ꝑ Order M. Macnemara Cl Lo. Ho.

Ordered the said Message lie on the table.

Adjourn'd till Monday Morning nine a Clock

October 14 Monday Morning October the 14th 1728

This House met again according to adjournment Psent

John Hall Esqr	Benj. Tasker Esqr	Members of the Upper House
Col° Richd Tilghman	Nicholas Lowe Esqr	
John Rousby Esqr	Charles Calvert Esqr	

An Engros'd Bill from the Lower House by Mr Thomas Worthington & Mr John Edmonston Entituled An Act to repeal An Act entituled An Act Prohibiting the Importation of Bread Beer Flour &ca from Pennsilvania & the Territories thereto belonging thus subscribed viz.

October 12. 1728

Read and Assented to by the Lower House of Assembly

Signed ꝑ Order M Macnemara Cl. lo. Ho.

Read & Assented to by this House and Ordered that the said Bill be so subscribed

The Paper Bill so Endorst is sent to the Lower House by Charles Calvert Esqr

Adjourn'd till to morrow Morning 9 of the Clock

October 15 Tuesday Morning October the 15th 1728

This House met Again according to Adjournment

Present as yesterday with the Addition of Col° William Holland & Phil: Lee Esqr

p. 350 A Message from the Lower House by James Harris Esqr and three more viz

By the Lower House of Assembly October the 15th 1728

May it please your Honours

This House having taken into Consideration the present State of the Staple of the province and the necessity of attempting to improve it, Voted A Bill be brought in for that end which Bill now lyes before the House but in regard that so great a part of the Tobacco that is made must be applied to pay publick and County Levies Parochiel and other Charges and Officers and Lawyers fees that if people should be restrained the Liberty of making as much Tobacco as they can (without which there is no hopes of any relief from the present unhappy Circumstances the Country Labours under) and Obliged to pay as much of it away to the purposes aforesaid as they now are they will not have a Sufficient quantity left (tho Tobacco should Advance) to supply themselves & Families with necessarys hence follows a necessity of making a Regulation suitable to the propos'd Reduction of the Quantity of Tobacco to be made and of giving the people all the Ease that can be in the manner of discharging their Dues and Debts already mentioned wherefore we have appointed Mr Harris Mr Dulany Mr Perry Mr King Mr Samuel Hanson and Mr Beale members of this House to join with any of your House that your House will be pleased to appoint to regulate and Ascertain the aforesaid dues and fees which because it is an Affair of great Consequence and will Probably require a Great deal of time we desire that as much Dispatch may be made therein as Conveniently can be

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

Read and Ordered to lie on the Table

Adjourn'd till to morrow Morning Nine of the Clock

Wednesday Morning October the 16th 1728. October 16

This House met again according to Adjournment Psent as Yesterday

The following Message is prepared & sent to the lower House by Col° Rd Tilghman and Charles Calvert Esqr viz.

By the Upper House of Assembly October the 16th 1728

Gentlemen

In Answer to your message yesterday by James Harris Esqr & three more this House have appointed Col° Mathew Tilghman Ward and Charles Calvert Esqr members of this House to join Mr Harris, Mr Dulany Mr Perry, Mr King, Mr Samuel Hanson and Mr Beale members appointed by your House in a Conference relating to the Subject matter of the said Message who will be ready to attend immediately.

Signed ꝑ Order Geo. Plater Cl Up Ho.

U. H. J. A Bill from the Lower House by Mr Thomas Worthington & Mr William Hemsley Entituled An Act for the relief of Edward Parish of Ann Arundel County thus Endorsed viz.

By the Lower House of Assembly October the 16th 1728

p. 351 Read first and second time & will pass.

Signed ꝑ Order M Macnemara Cl. lo. Ho.

Read the first time in this House and Ordered to lie on the Table

A Bill from the Lower House by Mr Ralph Crabb and Mr Thomas Waughop Entituled An Act for the relief of Sarah Massey of the City of Philadelphia thus Endorsed Viz.

By the Lower House of Assembly October the 16th 1728

Read first and second time and will pass.

Signed ꝑ Order M Macnemara Cl. lo. Ho.

Read the first time in this House and Ordered to lie on the Table.

Adjourn'd till to Morrow Morning nine of the Clock.

October 17 Thursday Morning October the 17th 1728

This House met again according to adjournment Psent as Yesterday.

Read the second time the Bill for the relief of Sarah Massey of the City of Philadelphia Ordered that the said Bill be further thus endorsed viz.

By the Upper House of Assembly October the 17th 1728

Read the second time and will pass.

Signed ꝑ Order Geo Plater Cl. Up. Ho.

Sent to the Lower House by Nicholas Lowe Esqr

A Bill from the Lower House by Major Samuel Perry and Mr John Magruder Entituled a Supplementary Act to the Act Entituled An Act relating to Servants & Slaves thus endorsed viz.

By the Lower House of Assembly October the 17th 1728

Read the first and second time by an especial Order and will pass.

Signed ꝑ Order M Macnemara Cl. lo. Ho.

Read the first time in this House and Ordered to lie on the Table U. H. J.

[Friday October 18 1728]

A Bill from the Lower House by Mr Skinner and Mr Hemsley Entituled An Act Impowering the Justices of Calvert County to finish their Court House and for relief of John Critchet and William Kid the Undertakers thus endorsed viz. October 18 p. 352

By the Lower House of Assembly October the 18th 1728

Read first and second time by an especial Order and will pass
Sign'd ꝑ Order M Macnemara Cl. lo. Ho.

Read the first time in this House and ordered a second reading to morrow

A Bill from the Lower House by Mr Johnson and Mr Knight Entituled An Act to confirm two Deeds of Sale the one from George Oldfield and Ux, the other from Richard Carr (to Casparus Augustine Herman) son and Heir at Law to John Carr of Cecil County thus Endorsed viz.

By the Lower House of Assembly October the 18th 1728

Read the first and Second time by an especial Order & will pass
Signed ꝑ Order M Macnemara Cl Lo. Ho.

Read the first time in this House and Ordered A Second Reading to Morrow

Adjourn'd till to morrow Morning nine A Clock

Saturday Morning October the 19th 1728 October 19

This House met Again according to Adjournment

Psent as yesterday with the Addition of Colo Mathew Tilghman Ward.

Read the second time the Bill to Confirm two Deeds of Sale the one from George Oldfield and Ux, the other from Richard Carr Son and Heir of John Carr of Cecil County to Casparus Augustine Herman Ordered that the said bill be thus endorsed viz.

By the Upper House of Assembly October the 19th 1728

Read the second time and will pass.
Signed ꝑ Order Geo: Plater Cl Up. Ho.

Sent to the Lower House by John Rousby Esqr

A Bill from the Lower House by Mr Thompson and Mr Hemsley Entituled An Act to cut of an Entail of a Tract of Land in Queen

U. H. J. Anns County in Favour of Edward and Thomas Harris of the said County thus endorsed viz.

By the Lower House of Assembly October the 19th 1728

Read first and Second time by an Especial Order and will pass.

Signed ℘ Order M Macnemara Cl lo Ho.

Read the first time in this House & ordered the said Bill lie on the Table

An Engross'd Bill from the Lower House by Mr Hamilton and Mr Edmonson Entituled A Supplementary Act to the Act Entituled An Act relating to Servants & Slaves thus endors'd viz.

By the Lower House of Assembly Octr the 19th 1728

Signed ℘ Order M Macnemara Cl lo Ho.

Read & Assented to by this House and ordered to be so Subscribed

The Paper Bill so endorst is sent to the Lower House by Benj. Tasker Esqr

Read the second time the Bill for the Support of the Rector of William & Mary parish in Charles County which is Ordered to be thus Endorsed viz.

By the Upper House of Assembly October the 19th 1728

p. 353 Read and will not pass

Signed ℘ Order Geo Plater Cl Up Ho.

Which Bill so endorst is sent to the Lower House by Benja Tasker Esqr

The following message is prepared and sent to the Lower House by Colo Rd Tilghman viz.

By the Upper House of Assembly October the 19th 1728

Gentlemen

In answer to your message of the 12th Instant by Mr Samuel Hanson and Mr Knight this House does appoint Colo Richard Tilghman & Charles Calvert Esqr to joyn Mr Samuel Hanson Mr Key, Mr Jenings & Mr Knight Members appointed by your House in a Committee to inspect the publick Records lately Transcribed at the Publick Charge who will be ready to attend at the several Offices Monday morning ten of the Clock

Signed ℘ Order Geo. Plater Cl. Up. Ho.

Adjourned till Monday Morning nine of the Clock.

Monday Morning October the 21st 1728

U. H. J.
October 21

This House met again according to Adjournment Psent

The honble
Col° William Holland
John Hall Esqr
Col° Richd Tilghman
Col° Mathew Tilghman Ward
John Rousby Esqr
Benja Tasker Esqr
Philip Lee Esqr
Nicholas Lowe Esqr
Charles Calvert Esqr
Members of the Upper House

A Message from the Lower House by James Holliday Esqr & Mr Robins viz

By the Lower House of Assembly October the 21st 1728

May it please your Honours

This House having voted that the Allowance of the Members thereof in future Assemblys shall be reduced to 100 Pounds of Tobacco ꝑ diem instead of the present allowance and that the County Magistrates be allowed fees and perquisites, in the Suits that shall be commenced in the respective County Courts and the Business the said Magistrates shall do instead of the present Allowance and we desire to know whether your Honours will Agree to a Reduction of your own Allowance and if you do what you will Agree to reduce it to that a Bill may be prepared accordingly

Signed ꝑ Order M Macnemara Cl. lo. Ho.

Ordered to lie on the Table

Col° Richard Tilghman & Charles Calvert Esqr Members appointed by this House on the Committee to inspect and Regulate Officers fees make report thereof to this House

Which being read the following message is prepared thereupon and sent to the Lower House by Nicholas Lowe Esqr

By the Upper House of Assembly October the 21st 1728

Gentlemen

The Report of the Conferees appointed by both Houses to inspect and Regulate Officers fees having been read & maturely considered is disapproved of by this House of which we have thought fit to advise you

Signed ꝑ Order Geo Plater Cl Up Ho.

The following Message is prepared & sent to the Lower House p. 354
by Philip Lee Esqr

By the Upper House of Assembly October the 21st 1728

Gentlemen

By your Votes and Resolves printed this Sessions we have observed that you have Resolved that Mr William Parks of the City

U. H. J. of Annapolis have Liberty to print the same and for whose Encouragement you have thought proper to allow him one hundred pounds of Tobacco ꝑ diem we therefore desire to know whether the said is to be defrayed at the Expence of the Country without our Concurrence

Signed ꝑ Order Geo Plater Cl Up Ho.

A Bill from the Lower House by James Holliday Esq^r and M^r Courts Entituled An Act to Encourage the Destroying of Wolves Crows and Squirrels thus Endors'd

By the Lower House of Assembly October the 21^st 1728

Read the first and second time by an especial Order & will pass.

Signed ꝑ Order M Macnemara Cl lo. Ho.

Read the first time in this House and ordered a Second reading to morrow.

A Bill from the Lower House by M^r Waughop and M^r Key Entituled

An Act for the laying out Land and erecting a Town in Saint Marys County thus endorsed viz.

By the Lower House of Assembly October the 19^th 1728

Read the first time and Ordered to lie on the Table.

Signed ꝑ order M Macnemara Cl lo Ho.

By the Lower House of Assembly October the 21^st 1728

Read and will pass.

Signed ꝑ Order M Macnemara Cl Lo. Ho.

Read the first time in this House and Ordered to lie on the Table

The following Message is prepared and sent to the Lower House by John Hall Esq^r viz.

By the Upper House of Assembly October the 21^st 1728

Gentlemen

On reading your Message of this day by James Holliday Esq^r and M^r Robins relating to your Allowances wherein you propose An Abatement of ours we take leave to Observe that for some years past we have been denied any Allowance as a Council of State altho we conceive we have an Undoubted right thereto by the determination of both Houses of Assembly and the Concurrence of the Governor in September 1694 & if we should now Consent to any Abatement of our Allowances as an Upper House of Assembly the allowance made us would not bear any reasonable proportion to our Expences in the Country's Service we therefore do not think it Convenient to admit of any abatement unless your House will Consent to allow us as a Council of State and then we shall be willing to Abate our Allowances in the same proportion as you do yours or otherwise if your House think Convenient to serve the Country at your own Expence we shall readily Agree to do the same for we think that more Honourable than to accept an Allowance not sufficient handsomly to support us U. H. J. p. 355

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

A Message from the Lower House by John Beale Esqr & Mr Chamberlain viz.

By the Lower House of Assembly October the 21st 1728.

May it please your Honours

By your message of this day by Nicholas Lowe Esqr you acquaint this House that you have maturely considered of the Report of the Conferees appointed by both Houses to inspect and Regulate Officers fees & have Disapproved thereof

This House having also considered the said Report and approved thereof think that any Objections thereto are Capable of an Answer and that as it Consists of several Parts some of them are not liable to any Objection of Weight and we cannot tell whether your Honours Disapprove of the whole or part only & the Subject matter of the said Report being of very great Consequence to the People of Maryland we request that your Honours will Acquaint us with your motives and whether you Disapprove of the whole or part only wherein we shall readily Acquiesce unless we can show good Reasons to the Contrary and we shall be ready if your Honours desire it to Inform you what reasons induced this House to approve of the said Report

Signed ꝑ Order M Macnemara Cl lo Ho.

A Bill from the Lower House by Mr Dashiel & Mr Stoughton Entituled An Act for destroying of Bears in Somerset County thus endors'd viz.

By the Upper House of Assembly October the 21st 1728

Read the first and second time by an especial order and will pass

Signed ꝑ Order M. Macnemara Cl. lo. Ho.

U. H. J. Read the first time in this House and Ordered to lie on the Table

An Engrossed Bill from the Lower House by M^r^ Mathews and M^r^ Tolly Entituled An Act for the relief of Sarah Massey of the City of Philadelphia thus Subscribed viz.

By the Lower House of Assembly October the 21^st^ 1728

Read & Assented to by the Lower House of Assembly

Signed ꝑ Order M Macnemara Cl. lo. Ho.

Which is read and assented to by this House and Ordered to be so subscribed

The Paper Bill so endorsed is sent to the Lower House by Col^o^ Rich^d^ Tilghman

Adjourn'd till to morrow Morning Nine of the Clock.

October 22 Tuesday morning October the 22^d^ 1728

This House met again according to Adjournment Psent as yesterday

A Message from the Lower House by M^r^ Crabb & M^r^ Thompson viz.

By the Lower House of Assembly October the 22^d^ 1728

May it please your Honours

p. 356 In Answer to your message of the 21^st^ Instant by Philip Lee Esq^r^ wherein you desire to know whether the Allowance of One hundred pound of Tobacco ꝑ diem Agreed by this House to be made to M^r^ Parks for printing the Votes and Resolves thereof is to be defrayed at the Expence of the Country without your Concurrence we acquaint your Honours that you have not desired the Concurrence of this House in allowances to be made to any person Employed particularly about the proceedings or Service of your House but reasonable Allowances have been made wherein both Houses Concur in Allowing the same, in the Journal of the Committee of Accounts

Sign'd ꝑ Order M Macnemara Cl lo Ho.

The following message is prepared and sent to the Lower House by Col^o^ Mathew Tilghman Ward and John Rousby Esq^r^ viz.

By the Upper House of Assembly October 22^nd^ 1728

Gentlemen

In answer to your message yesterday by John Beale Esq^r^ and M^r^

Chamberlain we acquaint you that our Reasons for disapproving U. H. J. the Report of the Conferees appointed for regulating Officers fees are as follows.

First That the Regulation of fees proposed by the Conference for the Services to be done by the several Officers are many of them much less in Value than those contained in the Act made for that purpose Anno 1725 and not sufficient for a Decent Support to the several Officers for tho some few are advanced yet they are not in proportion to those that are reduced

Secondly that Tobacco being now of much less Value than it was in the year 1725 we are of Opinion that the fees of the several Officers ought rather to be advanced than lessened especially considering that his Lordships reason for dissenting to the Act then made was because he thought the fees too much reduced

Thirdly that as his Lordship did dissent to that Law because the fees were too small we think it in vain to Enact another that makes them less for we cannot but think he will for the same reason Reject it & will be spending our time and the Countrys money to no purpose

Fourthly We cannot concur with the Conferees in opinion that if a Tobacco Law be made the People should have a Liberty of paying the whole fees with two thirds of the Tobacco made allowed for it may happen that a Tobacco Law may be made and yet the price of Tobacco not Advance in some years and we think it time enough to lessen the Fees when the Price of Tobacco does Advance.

Thus having given you the chief Reasons that at present Occur to us for not approving the Report of the Conferees we conclude with Earnestly desiring that you will with us Consider the necessity of a Law to regulate Officers fees and not insist upon making such a one as we cannot expect will be Assented to but rather agree p. 357 to Conform as near as may be to the regulation made Anno 1719 with a Liberty to the people of paying money by a certain day to be agreed on at one Penny ℘ pound than suffer the Officers and People to be continually engaged in disputes without any Law to Govern themselves by.

If your House is inclinable to concur with what we propose we desire A Committee of both Houses may be again appointed to consider thereof and make a Report Accordingly

Signed ℘ Order Geo. Plater Cl Up Ho.

Read the second time the Bill for Destroying Bears in Somerset County and the Bill for laying out of Land and erecting a Town in

U. H. J. St. Mary's County at A place called Seymour Town, Ordered they be severally thus Endors'd viz.

By the Upper House of Assembly October the 22^d^ 1728

Read the second time and will pass.

Signed ꝑ Order Geo Plater Cl Up Ho.

Which Bills so severally endorst are sent down to the Lower House by Benjamin Tasker Esq^r^

A Message from the Lower House by John Beale Esq^r^ & M^r^ Philip Key viz.

By the Lower House of Assembly October the 22^d^ 1728

May it please your Honours.

In answer to your message by John Hall Esq^r^ of the 21^st^ Instant wherein you Observe that for some years past you have been denied any Allowance as A Council of State Although you conceive you have an Undoubted right thereto and your Determination not to admit any Abatement of your present Allowance unless you be allowed as A Council of State upon which it seems your Honours wou'd vouchsafe to agree to an Abatement in the same proportion with this House is indeed an extraordinary Proposal and tends much to ease the People of the Heavy Burthen they bear if you were allowed 150 Pounds of Tobacco ꝑ diem as a Council of State for as great or perhaps greater number of days than you attend as an Upper House (To which Allowance we conceive you have no manner of right in the manner you claim it) your Honours would Condescend to abate 40 or 50 pounds of Tobacco ꝑ diem during such your Attendance

As to the other part of your message wherein you propose to serve the Country at your own Expence if we would do so too, we Observe that our Allowance is Established by a Law of the Country which is wanting to support your Claim as a Council of State and altho our Circumstances will not admit of our serving the Country at our own Expence (nor do the People we represent desire it) we are willing to Reduce our present Allowances to what may be necessary for that end which we conceive to be very just and Reasonable & if your Honours are so very tenacious of your p. 358 own Allowances as not to agree to any Abatement of them but upon terms so very advantageous to yourselves as you propose which we cannot in justice to those we represent agree to or so prejudicial and unjust with regard to ourselves (which we take to have been proposed purely to bring an odium upon us, and we are confident will fail of its design'd Effect) we have only to acquaint your Honours that we shall proceed to prepare the Bill according to the vote of our House

Signed ꝑ Order M Macnemara Cl. Lo Ho.

Read the second time the Act to encourage the destroying of Wolves Crows and Squirrels which is ordered to be thus endorsed viz.

By the Upper House of Assembly October the 22d 1728

Read the second time and will pass with a Provisoe to be added that no person or persons whatsoever shall under a certain penalty to be therein incerted come in to hunt with Guns or Dogs into any Inclosed Grounds Islands Peninsulas or necks fenced across from Water to Water without Leave or License from the proprietors thereof.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

Which Bill so endorsed is sent to the Lower House by Philip Lee Esqr

His Excellency the Governor appears in the House in order to Assent to the Act Entituled An Act for the Relief of John Beale of Charles County

Mr Crabb and Mr Robert Hanson from the Lower House attend in the Conference Chamber to see the said Act sealed which was carried to the Lower House by the said Crabb and Hanson

After which Benjamin Tasker and Nicholas Lowe Esqrs are sent to the Lower House to acquaint the Speaker and the whole House that his Excellency requires their Attendance in the Council Chamber to Present the said Act & see his Assent thereto

Thereupon Mr Speaker and the whole House attend and present the same to his Excellency which was Signed and Assented to by his Excellency on behalf of the Right Honourable the Lord Proprietary of this province & sealed with his Lordships great Seal at Arms and then they withdrew

A Message from the Lower House by Mr King and Mr Turbet viz.

By the Lower House of Assembly October the 22d 1728

May it please your Honours

This House having considered your message of this day by Colo Ward and John Rousby Esqr containing your reasons for disapproving the Report of the Conferees appointed for regulating Officers fees to which Reasons we begg leave to give the following Answers in the same Order they lie before us in your Message, To

U. H. J. the first it is true that several of the fees were reduced by the Conferees under what they were limited to in the Year 1725 with good Reason as we conceive for we take it for granted that when the quantity each Officer ought to receive for his Services comes to be considered by the Legislature the Principal thing to be regarded is p. 359 the real value of the Service & when what the service is justly worth is allowed he that receives that Allowance has as much in Justice and Reason as he ought to have and we can prove to a demonstration that the fees as limited by the Conferees are a decent Support for the respective Officers are ample Rewards for the Services to be done for the said fees and it is evident by the Report it self that great care has been taken not only to allow fees that were Omitted in the former Regulation but also to encrease such as fell short of Rewards Adequates to the Service to be done for them that the fees as regulated by the Conferees are a decent support for the respective Officers would appear manifestly if a Calculation was made of the Income of such as one in a Condition by having a Considerable number of Slaves to make large Quantitys of Tobacco and that Calculation compared with the Profits of several (even of the midling Offices) and we beg leave to Observe further that nothing ought to be Assessed upon a particular man or number of Men but for the good and safety of Society and in proportion to what the other members of the same Society bear but what such particular men or number of men receive the value of whence it follows that if the fees regulated by the Conferees were not really what your Honours intend by a decent Support for the Officers it would be of no weight Provided those fees be (as they really are) ample rewards for the Services to be done for them besides the Circumstances of the Country makes it our Indispensable duty to avoid as much as in us lies and as is Consistent with Justice Adding to the heavy and almost insupportable Burthens the People already given under which we conceive would be the case should we agree to raise the fees of Ministerical Officers beyond the true Value of their Services and which we hope your Honours have too much Compassion for the People to desire much less to press, To the second we conceive that the fall of Tobacco is no reason for Advancing the fees unless such fall enables people to make the greater Quantity of it can be proved that it does it will follow that the fees ought to be advanced in proportion for the Officers like all other members of the Society ought to have their proportion of publick Advantages as they must bear an equal share of publick inconveniences and tho Tobacco is in truth lower than it was in 1725 yet have the people nothing to depend on for a Support but what the remains of A Crop after Officers and others are paid their demands will produce and if the sinking the value of Tobacco be a Reason for the Augmentation of Officers fees and that they are accordingly augmented it is to be feared unless some speedy means be found out to raise the present Markets the Officers will have all the Tobacco that shall be made and the planter and his Wife and Children may go naked As to his Lordships [rejecting] the regulation of 1725 we begg leave to Observe that it was upon the partial Representation of some Officers & that we cannot entertain a thought so injurious (if in our opinion) to his Lordships Humanity and Honour as to suspect that his Lordship would Support a few Officers upon the ruins of the people of Maryland nor can we doubt when things are truly represented to his Lordship but that he will shew that Regard to the Welfare of the Province which his Lordship has frequently declared he has. To the third having given an Answer to the chief part of it under the second head we shall only add that if we should be unhappily disappointed of the Compassionate regard we hope the Lord Proprietary has to the general Interest and Welfare of the Country and that the People have no Remedy which God forbid the Inhabitants of Maryland are under most deplorable Circumstances. To the fourth it is very certain that if a Tobacco Law should be made that it is but contingent whether it would raise the Price of Tobacco But this is certain that let that happen how it will if such a Law as is Proposed should pass the people cannot by the most probable Conjecture we can make (and if we know not how to be Exact) exceed two thirds of the pres^t crop and if the event should not answer our hopes (viz) the Advancement of the Price of Tobacco We entreat your Honours to Consider what a miserable Condition People must be reduced to who can hardly supply themselves with necessaries by the produce of what is left them when they are at full Liberty to make what they can if their Crops should be reduced to two thirds of what they now make they be Obliged to pay the same Levies and other Dues and fees they are now obliged to pay and have nothing left to support themselves and Familys but what would remain to them after such payments and whether it is not agreable to natural Justice that Officers who are to be supported by the Labour and Industry of the People should not make an Abatement of their Income proportionable to what the people are Obliged to make in hopes of A General good and run the same Hazard with their Supporters as to the event, Thus we have given such Answers to your Reasons as we hope will prevail with your Honours to Concur with us and we will most willingly agree to a Second Conference if your Honours desire it or any other expedient that may be attended with the least probability of Advantage to the People we represent.

U. H. J.

p. 360

Signed ꝑ Order M Macnemara Cl. lo. Ho.

An Engross'd Bill from the Lower House by M^r Dashiel Enti-

U. H. J. tuled An Act for destroying of Bears in Somerset County thus Subscribed viz.

October the 22^d^ 1728

Read & Assented to by the Lower House of Assembly.
Sign'd ꝑ Order Geo. Plater Cl Up. Ho.

Read and Assented to by this House and Ordered to be so Subscribed

The Paper Bill so endorst is sent to the Lower House by John Hall Esq^r^

A Bill from the Lower House by Captain Gordon and Edmund Jenings Esq^r^ Entituled An Act for the naturalization of William Rayman thus endors'd viz.

By the Lower House of Assembly October the 22^d^ 1728

Read the first and second time by an especial Order & will pass.
Signed ꝑ Order M Macnemara Cl. lo. Ho.

p. 361 Read the first time in this House and ordered to lie on the Table

A Bill from the Lower House by John Beale Esq^r^ & M^r^ Warfield Entituled An Act to erect a Parish in Ann Arundel County called Queen Caroline Parish thus Endors'd viz.

By the Lower House of Assembly October the 22^d^ 1728

Read the first time and Ordered to lie on the Table.
Signed ꝑ Order M. Macnemara Cl Lo Ho.

By the Lower House of Assembly October the 22^d^ 1728

Read the second time by an especial Order and will pass.
Signed ꝑ Order M Macnemara Cl. lo. Ho.

Read the first time in this House and Ordered to lie on the Table.

Adjourn'd till to Morrow Morning Nine of the Clock.

October 23 Wednesday Morning October the 23^d^ 1728.

This House met again according to Adjournment. Psent as yesterday.

The following message is prepared viz.

By the Upper House of Assembly October the 23^d^ 1728.

Gentlemen

In order to put an end to the disputes about Officers fees as well as to save the Country the expence of a long Session we are U. H. J. willing to come into the measures following if a Tobacco Law for six thousand plants ꝑ Taxable be made (the Lord Proprietary having an equivalent) the Clergy and Attorneys fees lessened A fourth part of what they now have as well as all Publick Allowances whatsoever we shall think it reasonable that the Officers abide by the Law of 1725 the Extraordinary power therein given to the D. Commissarys being again invested in the Commissary General and all Tobacco debts (foreign Merchants Excepted) paid at a fourth Discount and where there has been Omissions of fees in any of the Offices reasonable fees may be added agreable to the respective Services

Sign'd ꝑ Order Geo. Plater Cl Up Ho.

The Question being put whether the said Message be sent to the Lower House Resolved in the Affirmative.

Order'd that Nicholas Lowe Esqr carry the same to the Lower House.

Read the second time the Bill for Naturalization of William Rayman of the City of Annapolis which is ordered to be thus endorsed viz.

By the Upper House of Assembly October the 23rd 1728

Read the second time and will pass.

Signed ꝑ Order Geo. Plater Cl Up Ho.

Sent to the Lower House by Charles Calvert Esqr

Read the second time the Bill in favour of Edward & Thomas Harris which is Ordered to be thus endorsed viz.

By the Upper House of Assembly October the 23d 1728.

Read the second time and will not pass.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

Which Bill so Endors'd was sent to the Lower House by Charles Calvert Esqr

The following message is prepared & sent to the Lower House p. 362 by Colo Richd Tilghman Viz.

By the Upper House of Assembly October the 23d 1728

Gentlemen

We Observe by your Message by Mr Crab and Mr Thompson in answer to ours relating to your resolve about the printing your votes you are pleas'd to say this House hath not consulted your

U. H. J. House in allowances to be made to any person employ'd particularly about the proceedings or Service of our House A Method we do not remember we ever came into nor can we believe it is consistent with our happy constitution that one Branch of the Legislature should come into any determinate Resolution to bind the publick without the Concurrent Assent of the other.

We agree that reasonable Allowances have been made Agreable to the Sence of the two Houses which is all we contend for in order to preserve any Encroachment on each others rights which we on our part think ourselves obliged Inviolably to preserve

Signed ℘ Order Geo Plater Cl Up Ho.

A Message from the Lower House by James Harris Esq^r & M^r Key viz.

By the Lower House of Assembly October the 23^d 1728

May it please your Honours

In Answer to your message of this day by Nicholas Lowe Esq^r we are heartily glad to find you in a disposition to put an end to the disputes about Officers fees as well as to save the Country the expence of a long Session and we do assure your Honours that we will do everything in our power consistent with our duty and the publick welfare towards both

As to my Lord Proprietary it is but just and Reasonable to make his Lordship an Equivalent but as the Act for setling his Lordships Revenue will not Expire till next September and that the Restriction of planting cannot Possibly affect his Lordship till then we conceive that to be the most proper time to consider the Equivalent for we shall be able then to form a better judgment of the quantity that will be lessened by the reduction than we can be now and consequently better able to proportion the Equivalent we always intended that the attorneys fees and all Tobacco debts and payments to be made to the Inhabitants should be reduced in proportion to Officers fees as your Honours are inclinable that reasonable fees should be allowed where there have been any Omissions in the regulation of 1725 We hope you will think it equally just & reasonable to correct Errors that may appear in those that were then regulated to the Prejudice of the people proceeding in this manner is but fair and equal & will prevent any Imputation of the Legislature being less carefull of the Interest of the people than of what concerns the Officers which Acting otherwise would give too much Room for

As to the power given to the D. Commissarys it is of publick p. 363 convenience and Advantage to the People and saves a good deal of Expence to Widows and Orphans of whose Interest we are all Obliged by the Laws of God and man to be particularly careful and tender and we are perswaded that the Gentleman who is the present Commissary would as readily join in any measures for the ease of such poor helpless people (tho it should lessen his Income something) as any member of our House would be to propose any Expedient for that purpose, we hope that as things are brought to the forwardness they are your Honours will Contribute your Endeavours to remove all Obstructions to the wish'd for end of all our Consultations the good and welfare of the people. U. H. J.

Signed ℘ Order M Macnemara Cl lo. Ho.

A Bill from the Lower House by Mr Hamilton and Mr Blackstone Entituled A Supplementary Act for the Relieving the Inhabitants of this Province from some Aggrievances in the Prosecutions of suits at Law thus endors'd viz.

By the Lower House of Assembly October the 22d 1728

Read the first time and Ordered to lie on the Table

Signed ℘ Order M Macnemara Cl. lo. Ho

By the Lower House of Assembly October the 23rd 1728

Read the first time and Ordered to lie on the Table

Signed ℘ Order M Macnemara Cl. lo. Ho.

By the Lower House of Assembly October the 23th 1728

Read the second time and will pass.

Signed ℘ Order M Macnemara Cl. lo. Ho.

Read the first time in this House and Ordered to lie on the Table.

Adjourn'd till to morrow Morning nine of the Clock

Thursday morning October the 24th 1728. October 24

This House met again according to Adjournment, Psent as yesterday.

Read the petition of Francis Ungle Widow and Administratrix of Robert Ungle Esqr deceased which is ordered to be thus endors'd viz.

By the Upper House of Assembly October the 24th 1728

Read and Referred to the Consideration of the Lower House of Assembly

Signed ℘ Order Geo Plater Cl Up Ho.

U. H. J. Sent to the Lower House by Philip Lee Esq^r

The following message is prepared and sent to the Lower House by John Rousby Esq^r viz.

By the Upper House of Assembly October the 24^th 1728

Gentlemen

In answer to your Message yesterday by James Harris Esq^r & M^r Key we take leave to assure you that as we have hitherto done so are we ever determined to avoid disputes that are not absolutely necessary as well as to exert our endeavours equally with your House for the publick good Welfare of the Country

We are apprehensive that your House might misapprehend our intention in that part of our message which relates to the deduction to be made of Officers Fees and therefore take leave to Acquaint you that in proposing the present regulation should be comformable to that in 1725 we did not intend any further deduction should be made from those fees altho A Tobacco Law should be made for lessening the Quantity of Tobacco for we are of opinion that the fees in that Regulation are so small that if the price of Tobacco should Advance upon making a Tobacco Law those fees p. 364 would be but a bare sufficiency for a Support of the Several Officers but because it may be Objected that perhaps Tobacco may rise beyond what is now expected we are willing that a Liberty be given to the people to pay those fees in money at the rate of ten shillings ꝑ Cent by a certain day and this we hope if Tobacco should advance will encourage the Importation of Money and prove a double Advantage to the good people of this Province & we are likewise very willing that any omissions in the regulation of Fees Anno 1725 should be now Supplied.

As to the power given to the Deputy Commissarys we must still insist upon its being reinvested in the Commissary General who as we are Informed has found by Experience that the publick Advantage and convenience to the Orphans and Widows consists in its being so for by his care and Circumspection (agreable to the Character you gave him) Errors and mistakes frequently committed by the several Deputy Commissarys to the prejudice of those helpless People have been found out and ordered to be regulated and so cautious have some Gentlemen in that Office formerly been as not to suffer any Commission to issue to pass any Account unless the greatest and most urgent necessity required it and we cannot but apprehend those poor Orphans and Widows you are so much concern'd for will be more happy (and not so liable to Imposition) under the Administration of one upright nursing father rather than under the administration of twelve men who by an extensive power which some of them are scarce capable of Executing will be not so U. H. J. immediately under his care and circumspection

Signed ꝑ Order Geo. Plater Cl Up Ho.

The following message is prepared and sent to the Lower House by Benj. Tasker Esq^r^ viz.

By the Upper House of Assembly October the 24th 1728

Gentlemen

We are treated in such a manner in your Message of the 22d Inst. by Mr Beale and Mr Key relating to the publick Allowance that we think our selves Obliged to take notice of it and to put you in mind that the reflecting ridiculing Expressions and misconstructions therein contained are not agreable to that modesty and wisdom which ought to rule in parliamentary proceedings.

We will not treat you with Language of the same kind altho several parts of your message afford sufficient occasion so to do but content ourselves with Asserting our right to an allowance as a Council of State according to the Settlemt made Anno 1694 and since continually allowed for about 30 years until of late denied by your House without any just occasion as we conceive for so doing being thus deprived of what is due to us (notwithstanding your charge of being very tenacious of our Interest) we think we bear a greater abatement of our allowances than you proposed in yours.

Signed ꝑ Order Geo Plater Cl. Up Ho.

Two Engrost Bills from the Lower House by Mr Knight and Mr Robins Entituled An Act to confirm two deeds of Sale the one from George Oldfield and Petronella his Wife and the other from Richard Carr Son and Heir at Law to a certain John Carr of Cecil County deceased to Casparus Augustine Herman

An Act to Encourage the destroying of Wolves Crows and p. 365 Squirrels thus subscribed viz.

October the 23d 1728

Read and Assented to by the Lower House of Assembly
& Sign'd ꝑ Order M Macnemara Cl. lo. Ho.

Read and Assented to by this House and ordered to be severally so subscribed

The Paper Bills so endorst are sent to the Lower House by Philip Lee Esqr

Read the second time the Bill to Erect a Parish in Ann Arundell

County called Queen Caroline Parish which is ordered to be thus endorst viz.

By the Upper House of Assembly October the 24. 1728

Read the second time and will pass.

Signed ꝑ Order Geo. Plater Cl Up Ho.

Sent to the Lower House by Nicholas Lowe Esqr

Read the second time the Supplementary Act to the Act for relieving the Inhabitants from some aggrievances in the prosecution of Suits at law which is ordered to be thus endorsed viz.

By the Lower House of Assembly October the 24th 1728.

Read the second time and will pass with the same Proviso as in the former Act for this purpose.

Signed ꝑ Order Geo. Plater Cl. Up Ho.

Sent to the Lower House by Charles Calvert Esqr

A Bill from the Lower House by Mr King and Mr Dashiel Entituled an Act for relief of Francis Mercier of Somerset County Merchant thus endors'd viz.

By the Lower House of Assembly October the 24th 1728.

Read first and second time by an especial Order and will pass

Signed ꝑ Order M. Macnemara Cl. lo Ho.

Read the first time in this House and ordered to lie on the Table

Read the Petition of Edward Scot William Turbut & Samuel Chamberlain which is Ordered to be thus endorsed viz.

By the Upper House of Assembly October the 24th 1728

Read & Referred to the Consideration of the Lower House of Assembly & Sent to the Lower House by John Hall Esqr

Signed ꝑ Order Geo. Plater Cl Up. Ho.

A Message from the Lower House by James Harris Esqr and three more viz

By the Lower House of Assembly October the 24th 1728

May it please your Honours

In answer to your message of this day by John Rousby Esqr we think the shortest method amicably to end this Session of Assembly and our present debates as also to settle Officers fees and other matters in your said Message mentioned will be by a free conference in order to which we have appointed Daniel Dulany Esq^r James Harris Esq^r Major Robert King and M^r Philip Key as managers and hope you will appoint some members of your house to joyn them therein U. H. J.

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

To which message the following answer is prepared & sent by Benj: Tasker Esq^r Viz.

By the Upper House of Assembly October the 24th 1728

Gentlemen

In answer to your message this day by James Harris Esq^r and three more we have appointed Col^o Richard Tilghman and Col^o Mathew Tilghman Ward members of this House to join the members appointed by your House in a Conference for setling Officers fees who will be ready to attend to morrow morning Ten of the Clock. p. 366

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

A Bill from the Lower House by M^r Worthington and Captain Gordon Entituled

An Act for the relief of Francis Garterel of Ann Arundel County thus Endors'd viz.

By the Lower House of Assembly October the 24th 1728

Read first and second time by an especial Order and will pass.

Signed ꝑ Order M Macnemara Cl lo Ho.

Read in this House and ordered to lie on the Table.

A Bill from the Lower House by Major Robert Hanson and M^r Young Entituled An Act for regulating the Parishes in Saint Marys and Charles Counties thus endors'd viz.

By the Lower House of Assembly October the 23d 1728

Read the first time & ordered to lie on the Table.

Signed ꝑ Order M Macnemara Cl lo Ho.

By the Lower House of Assembly October the 23rd 1728

Read the second time by an especial Order and will pass

Signed ꝑ Order M Macnemara Cl. lo. Ho.

Read and ordered to lie on the Table.

U. H. J. A Bill from the Lower House by Mr Benjamin Mackall and Mr Skinner Entituled An Act for the relief of Christopher Bonfield a languishing prisoner in Calvert County Goal thus endors'd viz.

By the Lower House of Assembly October the 24th 1728

Read the first and second time by an especial Order and will pass.

Signed ꝑ Order M Macnemara Cl lo Ho.

Read in this House and Ordered to lie on the Table

Adjourn'd till to morrow Morning nine of the Clock

October 25 Friday Morning October the 25th 1728.

This House met again according to Adjournment. Psent as yesterday

Read the second time the Bill for the relief of Francis Mercer of Somerset County which is ordered to be thus endors'd viz.

By the Upper House of Assembly October the 25th 1728

Read and will not pass

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

Which is sent to the Lower House by Colo Richard Tilghman.

The following message is prepared and sent to the Lower House by Colo Richd Tilghman viz.

By the Upper House of Assembly October the 25th 1728

Gentlemen

Forasmuch as some doubts have lately arose whether free Bottoms should pay the duty laid upon Irish papists and negroes by the Act Entituled An Act for laying an additional duty of 20 shillings Current money ꝑ Poll on all Irish Servants being papists &ca altho the same hath been collected by the several Naval Officers ever since the passing of it and paid to the Treasurers for the purposes in that Act mentioned especially by the late Mr Robert Ungle who was Speaker of the Lower House of Assembly at the making of that Act and may well be supposed to understand the true intention of it p. 367

We recommend to your Consideration whether it be not adviseable to make an Explanatory Act in favour of the County Schools for whose support that duty was laid.

Sign'd ꝑ Order Geo Plater Cl. Up. Ho.

Col° Richard Tilghman and Col° Mathew Tilghman Ward appointed in the Conference for regulating Officers fees make a verbal Report to this House. U. H. J.

Adjourn'd till to Morrow Morning nine of the Clock.

Saturday Morning October the 26th 1728. October 26

This House met again according to Adjournment, Present as Yesterday

Read the second time the Bill for the relief of Francis Garterell of Ann Arundell County which is ordered to be thus endors'd viz.

By the Upper House of Assembly October the 26th 1728

Read the second time and will pass.

Signed ℘ Order Geo. Plater Cl Up Ho.

Read the second time the Bill for enlarging of Christopher Bonfield a languishing Prisoner in Calvert County Goal which is ordered to be thus endors'd viz.

By the Upper House of Assembly October the 26. 1728

Read the second time and will not pass.

Signed ℘ Order Geo. Plater Cl Up. Ho.

Which Bills severally so Endorst were sent to the Lower House by Col° M. T. Ward

Read the second time the Bill for better regulating the Parishes in St Marys and Charles Counties which is ordered to be thus endorst viz.

By the Upper House of Assembly October the 26th 1728

Read and will not pass.

Signed ℘ Order Geo Plater Cl. Up Ho.

The following message is prepared and sent down with the said Bill to the Lower House by John Rousby Esqr viz.

By the Upper House of Assembly Octr the 26th 1728.

Gentlemen

On Perusall of the Bill sent up from your House for regulating the Parishes of Saint Marys and Charles Counties we apprehend the power given to the Commissioners therein appointed is too great and therefore propose that by an Order of both Houses the said Commissioners should after the regulation by them made make report thereof to both Houses by which means the parties concern'd in the regulation may be heard next Session to any just Exception

U. H. J. they may have to the same and if nothing of that nature appears a Bill may then pass to confirm the doings of the said Commissioners and that publick notice be given to the several Incumbents and Parishioners two months at least before they enter upon such regulation

Signed ꝑ Order Geo. Plater Cl Up Ho.

A Bill from the Lower House by James Harris Esq^r and five more Entituled An Act for Improving the Staple of Tobacco thus endors'd viz.

p. 368 By the Lower House of Assembly October the 14th 1728

Read the first time and ordered to lie on the Table

Signed ꝑ Order M Macnemara Cl lo Ho.

By the Lower House of Assembly October the 25th 1728

Read and will pass.

Signed ꝑ Order M Macnemara Cl lo Ho.

Read in this House and ordered to lie on the Table

A Bill from the Lower House by M^r Crab and M^r Robins Entituled a Supplementary Act to the Act Entituled An Act for establishment of Religious Worship in this Province &c^a thus endors'd viz.

By the Lower House of Assembly October the 24th 1728.

Read the first time & ordered to lie on the Table

Signed ꝑ Order M Macnemara Cl. lo. Ho.

By the Lower House of Assembly October the 26th 1728

Read the second time and will pass.

Signed ꝑ order M Macnemara Cl lo Ho.

Read in this House and Ordered to lie on the Table.

Two Ingross'd Bills from the Lower House by Captain Gordon and M^r Scott intituled An Act for the naturalization of William Rayman of the City of Annapolis and An Act for erecting a new Parish out of that part of S^t Paul's Parish that lies in Ann Arundel County and out of All hallows and Saint Anns parishes in the said County thus Severally subscribed viz.

October the 26th 1728

Read and Assented to by the Lower House of Assembly &

Sign'd ꝑ order M Macnemara Cl. lo. Ho.

Read and Assented to by this House and ordered to be severally subscribed U. H. J.

The Paper Bills so severally Endors'd are sent to the Lower House by Benj^{a} Tasker Esq^{r}

A Bill from the Lower House by M^{r} Blackstone and M^{r} Brannock Entituled An Act reviving and Continuing An Act for the relief of poor debtors thus endors'd viz.

By the Lower House of Assembly October the 26. 1728

Read the first and second time by an especial Order and will pass

Signed ꝑ Order M Macnemara Cl lo. Ho.

Read & ordered to lie on the Table

Adjourn'd till to morrow Morning 9 of the Clock

Monday morning October the 28. 1728 October 28

This House met again according to Adjournment.

Present as on Saturday with the Addition of Philemon Lloyd Esq^{r}

Read the second time the Act reviving and continuing An Act for the better relief of poor debtors also A Supplementary Act to the Act for Establishment of Religious Worship which are ordered to be thus endorsed viz.

By the Upper House of Assembly October the 28. 1728

Read the second time and will Pass.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

Which Bills so severally endorst are sent to the Lower House by Philip Lee Esq^{r}

A Bill from the Lower House by Captain King & M^{r} Courts intituled An Act for ascertaining the form of the Oath of A Judge or Justice thus endors'd viz.

By the Lower House of Assembly October the 26th 1728 p. 369

Read the first time and Ordered to lie on the Table.

Signed ꝑ Order M Macnemara Cl. lo. Ho.

By the Lower House of Assembly October the 28. 1728

Read the second time and will pass.

Signed ꝑ Order M Macnemara Cl. lo: Ho.

Read the first time in this House and Ordered to lie on the Table

U. H. J. An Engrost Bill from the Lower House by Mr Waughop and Mr Young intituled An Act for the laying out of Land and erecting a Town in St. Marys County at a place called Seymour Town thus endors'd viz.

October the 28th 1728

Read and Assented to by the Lower House of Assembly.

Sign'd ꝑ Order M Macnemara Cl lo. Ho.

Read and Assented to by this House and Ordered to be subscribed.

The paper Bill so endorst is sent to the Lower House by Nicholas Lowe Esqr

A Bill from the Lower House by Mr Thompson and Mr Hemsley Entituled An Act for dividing Saint Pauls Parish in Queen Anns and part of Talbot County thus endors'd viz.

By the Lower House of Assembly October the 26th 1728

Read the first time and ordered to lie on the Table.

Signed ꝑ Order M Macnemara Cl lo. Ho.

By the Lower House of Assembly October the 28. 1728

Read the second time and will pass.

Signed ꝑ Order M Macnemara Cl lo Ho.

Read the first time in this House and ordered to lie on the Table.

Colo Richard Tilghman and Charles Calvert Esqr members appointed in a Committee to inspect the Records of the several Offices transcribed at the Expence of the publick make Report thereof to this House as follows viz.

28th October 1728

We of the Committee appointed by both Houses to inspect the Records of the several Offices transcribed at the expence of the publick have ordered the several Books mentioned in the lists annexed to this Report and now remaining in the Commissarys Office Land Office Secretarys Office and Chancery office which have been transcribed and bound to be laid before us and your Committee having examined the method of transcribing and manner of binding thereof are of opinion that the Transcribing of the said Books by the form and fairness of the Character in which they are transcribed and the binding thereof appear to have been performed in as good a manner as your Committee could expect to find such works done in this part of the World but your Committee observe that none of the Books are bound with false Covers according to the direction of Your Commissioners which your Committee think very proper for the preservation of them all which we humbly Submit to the Consideration of this Honourable House. U. H. J.

Sign'd ℘ Order John Gibson Clk Com.

Which Report was read and Ordered that the List so annexed be lodged in the Council Office

The Representation of his Excellency to both Houses is ordered to be entered viz.

To the Upper House of Assembly and to the Speaker and the rest of the Members of the Lower House of Assembly. p. 370

On Saturday last I had transmitted to me a scandalous & seditious Paper found Posted on a Gentlemans Gate in Prince Georges County & had further Information that divers papers of the like Seditious Contents had been dispersed in many parts of the Country.

Gentlemen

As the whole Legislature is pointed at in the Scandalous Reflections & Insolent threats in the said Paper contained I have thought fit to communicate a Copy of it to you not doubting but that you will Resent in a becoming manner such Audacious Attempts on the safety and freedom of Legislation the Honour of the Government and the Quiet of his Majestys loyal Subjects his Lordships good Tenants of Maryland.

Benedict Leonard Calvert

Which said paper is as follows viz.

Countrymen and Friends

Tis past doubt that the present State of the Country might with facility be remedied (that is) by suing for a Tobacco Law tis miserably known how much tis wanting were honesty used as it is pretended now a sincere and hearty attachment to our selves and posterity cant be better demonstrated than by pushing Vigorously while the Gap is open therefore as an Expedient (my honest Countrymen) let us meet at Queen Ann Town on Monday the 28th Instant to assert our Rights armed in a Suitable manner to our good and Honourable Pretensions we desire it may be Published

20 October 1728

Upon which the following message is prepared and sent to the Lower House by John Rousby Esqr viz.

By the Upper House of Assembly October the 28th 1728

Gentlemen

The Copy of A seditious paper herewith sent you and by his

U. H. J. Excellency laid before the two Houses of Assembly is an Evidence of his great Goodness & particular condescension in communicating to us the dangerous practices which have been secretly carried on and now publickly avowed by some audacious designing Persons against the freedom of Legislation if not worse designs in disturbing the Peace and Quiet of his Majestys Subjects within this province such Practices Gentlemen as they are dangerous noveltys amongst us ought to be treated with the utmost detestation and the Authors thereof when discovered punished according to their just dements for preventing the like Attempts for the future which nothing can give a greater discouragement to than the publick Resentments of both Houses against such Vile and seditious Practices upon this present Conjuncture.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

A Bill from the Lower House by Mr Key and Mr Hemsley Entituled An Act for the Relief of several poor prisoners thus endors'd viz.

By the Lower House of Assembly October the 26. 1728.

p. 371 Read the first time and Ordered to lie on the Table

Signed ꝑ Order M Macnemara Cl lo Ho.

By the Lower House of Assembly October the 28th 1728

Read the second time and will pass.

Signed ꝑ Order M Macnemara Cl lo Ho.

Read the first time in this House and Ordered the said Bill lie on the Table

Adjourn'd till to Morrow Morning Nine of the Clock.

October 29 Tuesday Morning October the 29th 1728

This House met again according to adjournment, Psent as yesterday

Read the Deposition of Edward Harris of Queen Anns County which is as follows viz.

The Deposition of Edward Harris of Queen Anns County aged about twenty nine years being sworn on the Holy Evangelist of Almighty God before the Honble Philip Lee Esqr & Colo Levin Gale two of his Lordships Justices of the Provincial Court and Interrogated declares as follows viz.

This Deponant saith to the best of his knowledge on Tuesday night the 15th of this Instant October he was going through George

Nelsons middle Room where they sometimes dress Victuals and there was a Company of about ten or Dozen men sitting in said Passage amongst which there was one man had a Sword by his Side (who as this deponent was inform'd was Major Samuel Perrie who upon sight of this Deponent damn'd him and [asked] him several times if he was for a Tobacco Law or not if he was he should have some Punch if he was not he should have none and that his Room was very good Company this deponent also saith that an Old man that lost some money at dice that night they call Drury swore that M^r^ Perrie or himself should fight him either with a Sword or without it this deponent further saith that it instantly came into his mind of Mobs that constrains Persons either to Agree with their Sentiments or to be knocked down the Consequence that might happen he did not know however answered 'em as followeth, first that if he wanted any Punch he could have it without being Obliged to them, Secondly that his declaring himself for or against a Tobacco Law wou'd be of no Service to the Country because he had no vote in the House of Assembly but as he had a Family to maintain shou'd be very glad of a Tobacco Law provided 'twas a good one, Thirdly he further saith he told 'em that if he had disobliged any of the Company he should think it his duty to ask Pardon but inasmuch as he knew he had given no Offence he made use of this extravagant Expression viz. that he would as soon be damn'd to a Triffle as submit and be bullied by them notwithstanding there was so many of 'em and had a Sword upon which this Deponent saith three or four of the Company rose of their chairs and very much Importuned him to sit down with 'em he also saith that he directly called for a Bowl of Punch and sat down with 'em and after some discourse they told this Deponent that several people had been peeping in and Listning to their discourse had made Remarks and Spoke of severall things that was said amongst 'em and that they thought M^r^ Peter Taylor to be one that took notice of what they said and this deponent for another however in a short time M^r^ Perry begun to curse the Eastern Shore Burgesses prodigiously because they was against a Tobacco Law but particularly James Holliday Esq^r^ & that he said Holliday was not fit to be in the House this deponent saith that he asked said M^r^ Perrie why and said Perrie answered that M^r^ Carroll bullied and Scared M^r^ Holliday some time ago about a Tobacco Law and that said Holliday was influenced by Esq^r^ Bennet likewise from making a Tobacco Law this Deponent also saith that he told M^r^ Perrie that he never took M^r^ Holliday to be such a man neither did he believe that Esq^r^ Bennet ever concern'd himself so much in State affairs as to endeavour to sway or Rule the Government said Perry swore directly by his God it was true & that he would Justify it to their Faces & that he knew Esq^r^

U. H. J.

p. 372

U. H. J. Bennet would give a Thousand pound to subvert the Government & that there should not be a Tobacco Law.

Abundance of more Words happened amongst which this deponent saith to the best of his Knowledge said Samuel Perrie one Bigger Head & a Young Fellow they call Wilson and the aforesaid Drury that lost money at Dice did say and swear they wou'd have a hundred Prince Georges County men upon the Stadt House Hill either that week or the next to face the Assembly in order to Obtain a Tobacco Law

This Deponent further saith them what good the mens coming woud do with the Assembly for if they had a mind to Petition for A Tobacco Law they might do that without coming into A Body better then to appear in so rude a manner this deponent saith that said Biggerhead some of the rest and to the best of his knowledge M^r^ Perrie answered him in this manner that they cou'd bring fifty Prince Georges County men that cou'd drive a hundred Eastern Shore men and get such Laws as they wanted this depon^t^ further saith that there was a great deal more unbecoming discourse amongst them but this is the heads that occurs at present and that what he chiefly minded was what M^r^ Perrie said of Esq^r^ Bennet & Esq^r^ Holliday and that he did design to tell M^r^ Holliday of it next day but having just then a Petition in the Lower House of Assembly deferred it believing it might do him an Injury and further this Deponent saith that not only that M^r^ McGruber the Burgess was in Company some of the time and he believes heard M^r^ Perrie speak about Esq^r^ Bennet & Esq^r^ Holliday

The deposition in this Sheet taken before Philip Lee & Levin Gale

p. 373 Upon which the following message is prepared and sent to the Lower House by Charles Calvert Esq^r^ viz.

By the Upper House of Assembly October the 29. 1728

Gentlemen

The Deposition herewith sent being read in this House and as it Concerns some of the Members of your House we have thought fit to recommend it to you for your serious consideration not doubting but you will take such measures as the nature of the Case requires.

Signed ꝑ Order Geo. Plater Cl Up Ho.

Read the second time the Bill for dividing Saint Paul's Parish in Queen Anns County and part of Talbot County also

A Bill for the relief of Edward Parish of Ann Arundel County and

A Bill impowering the Justices of Calvert County Court to finish their Court House &c. which is ordered to be severally thus endorst viz. U. H. J.

By the Upper House of Assembly October the 29th 1728

Read the second time and will pass.

Signed ꝑ Order Geo Plater Cl Up Ho.

The first is sent to the Lower House by John Hall Esqr and the latter two by Colo Mathew Tilghman Ward.

Read the second time the Bill for ascertaining the form of the Oath of a Judge or Justice which is ordered to be thus endorsed viz.

By the Upper House of Assembly October the 29th 1728

Read the second time and will pass with the following amendments viz. (as are) before the word agreable in the fourth line of the Oath being incerted

Signed ꝑ Order Geo Plater Cl Up Ho.

Sent to the Lower House so Endorsed by Colo Richard Tilghman

A Message from the Lower House by John Beale Esqr and Mr Worthington with the Bill for ascertaining the form of an Oath of Judge or Justice viz.

By the Lower House of Assembly October the 29th 1728

May it please your Honours

We observe the amendment proposed by your Honours to the Bill for Ascertaining the form of the Oath for Judge or Justice as are before the word agreable in the fourth line of the Oath for Judge or Justice passed in should be incerted is the Opinion of this House inconsistent with the Tenor and Design of the Oath of Judge or Justice passed in Assembly and several times solemnly taken by all the Magistrates of the Province and we are likewise of Opinion that there ought to be the most Cogent the Clearest and the best of Reasons given for such an Alteration and here being no reasons at all given by your Honours for such an Amendment as you propos'd we cannot agree to it but hope your Honours are sufficiently convinced of the reasonableness and Justice of what we contend for & that you will pass the Bill as it is

Signed ꝑ Order M Macnemara Cl lo. Ho.

U. H. J. p 374 A Bill from the Lower House by Mr King and Mr Mathews entituled An Act for limitation of Officers fees thus Endors'd viz.

By the Lower House of Assembly October the 29th 1728

Read the first time and Ordered to lie on the Table.

Signed ꝑ Order M Macnemara Cl lo. Ho.

By the Lower House of Assembly October the 29th 1728

Read the second time by an especial Order & will pass.

Signed ꝑ Order M Macnemara Cl lo Ho.

Read the first time in this House & Ordered to lie on the Table

The following message is prepared & sent to the Lower House by John Rousby Esqr viz.

By the Upper House of Assembly October the 29th 1728

Gentlemen

On reading and considering the Tobacco Bill sent up by your House we are of Opinion that many provisions and Alterations are necessary to be made therein most of which we doubt not but your House will readily Agree to but forasmuch as it would be too tedious to make those amendments by messages between the two Houses therefore for the better expediting that Affair we purpose that a Committee of both Houses be appointed to consider of such Amendments as shall be thought necessary and make their report thereof accordingly

Signed ꝑ Order Geo. Plater Cl Up Ho.

A Bill from the Lower House by Mr Crabb and Colo Belt entituled an Act for the relief of John Covil of Prince Georges County thus endorsed viz.

By the Lower House of Assembly October the 29th 1728

Read the first and second time by an especial Order & will pass

Signed ꝑ Order M Macnemara Cl lo Ho.

Read the first time in this House and Ordered to lie on the Table

A Message from the Lower House by James Harris Esqr and three more viz.

By the Lower House of Assembly October the 29th 1728

May it please your Honours

In Answer to your message of this day by John Rousby Esqr wherein you propose a Committee of both Houses to be appointed to consider of such Amendments to the Tobacco Bill as shall be thought necessary we acquaint your Honours that we have appointed Daniel Dulany Esq^r^ James Harris Esq^r^ Major Robert King and M^r^ Philip Key to join any members of your House that shall be appointed by your Honours in such A Committee U. H. J.

Signed ꝑ Order M Macnemara Cl lo. Ho.

Adjourn'd till to Morrow Morning Nine of the Clock

Wednesday Morning October the 30th 1728. October 30

This House met again according to Adjournment. Present as yesterday

The following message is prepared & sent to the Lower House by Philip Lee

By the Upper House of Assembly October the 30th 1728

Gentlemen p. 375

In answer to your Message yesterday by James Harris Esq^r^ and three more we have appointed Philemon Lloyd Esq^r^ and Philip Lee Esq^r^ to join Daniel Dulany Esq^r^ James Harris Esq^r^ Major Robert King and M^r^ Philip Key members of your House in a Committee to Consider of such Amendments to the Tobacco Bill as shall be thought necessary who are ready to attend immediately

Signed ꝑ Order Geo Plater Cl. Up. Ho.

A Bill from the Lower House by M^r^ George and M^r^ Robins entituled An Act to prevent the abuses of Concealing convicted felons & other Offenders imported into this Province thus endorsed viz.

By the Lower House of Assembly October the 23^d^ 1728

Read the first time & ordered to lie on the Table

Signed ꝑ Order M Macnemara Cl lo Ho.

By the Lower House of Assembly October the 30th 1728

Read the second time and will pass

Signed ꝑ Order M Macnemara Cl lo Ho.

Read the first time in this House and Ordered to lie on the Table

Three Ingross'd Bills from the Lower House by M^r^ Smith & M^r^ Thompson Entituled An Act impowering the Justices of Calvert County to finish the Court House of that County by an Assessment of the Inhabitants thereof as also for the relief of John Critchard & William Kid two of the Builders of the said Court House also An Act reviving and continuing An Act of Assembly of this province Entituled An Act for the better relief of poor Debtors and

U. H. J. A Supplementary Act to the Act entituled An Act for the Establishment of Religious Worship in this Province according to the Church of England & for the maintenance of Ministers thus severally subscribed viz.

October the 30th 1728

Read and Assented to by the Lower House of Assembly

Signed ℘ Order M Macnemara Cl lo Ho.

Which are read and Assented to by this House and ordered to be severally so subscrib'd

The Paper Bills so severally endorst are sent to the Lower House by Nicholas Low Esqr

The following message is prepared & sent to the Lower House by Benjamin Tasker Esqr viz.

By the Upper House of Assembly October the 30th 1728

Gentlemen

In answer to your Message by John Beale Esqr & Mr Worthington we did not believe that any special Reasons could have been expected from us uppon Account of the Addition of the words, as are, next before agreable to the usages and Constitution of this province it being obvious that the Amendment was made with no other view than of giving a Clearer and more Explicit Interpretation of the Design of the Oath viz. that the Judge shall do equal law and right to all the Kings Subjects according to the Acts of Assembly &ca and according to the Laws Statutes and reasonable Customs of England as are agreable to the usage & Constitution of this Province p. 376

But forasmuch as you have declared yourselves of Opinion that what hath been intended by this House as an explanation only hath rendered the form thereof inconsistent with the design of the Oath of Judge or Justice we desire to know of you what other design (for we know of none) is contained in the proposed form of the Oath than that of doing right to the Kings Subjects according to such Laws Statutes and reasonable Customs of England as are agreable to the Usage and reasonable Constitution of this Province.

Signed ℘ Order Geo. Plater Cl. Up. Ho.

Read the second time the Bill for the Relief of several poor prisoners which is ordered to be thus endorsed viz.

By the Upper House of Assembly October the 30th 1728

Read the second time and with the Amendments proposed in the message herewith sent will pass.

Signed ℘ Order Geo. Plater Cl Up Ho.

By the Upper House of Assembly October the 30th 1728 U. H. J.

Gentlemen

Mr Charles Carroll having petitioned this House to be heard against the Bill for relief of poor Prisoners produced a Bill of Sale or Mortgage which is herewith sent from Nathaniel Wright one of the prisoners in the said Bill mentioned for four Negroes which said Negroes notwithstanding they became forfeited to him he saith where by the said Nathaniel disposed of or conveyed away so that he the said Charles could never find or Recover them we therefore think it reasonable that a Clause be added to the said Bill Obliging the said Charles to declare upon Oath before he is released from his Imprisonmt what became of those negroes whether they are living or dead and if living in whose possession they are and by what right held we likewise think it necessary that Samuel Stevens a Criminal Prisoner in Ann Arundel County prison be Obliged to give Security for his good behaviour during his Continuance in this Province before he is released with which Additions this Bill will pass

Signed ꝑ Order Geo Plater Cl Up. Ho.

An Engrost Bill from the Lower House by Mr Kennard and Mr Edmunsen Entituled An Act for the relief of Francis Garterell of Ann Arundel County thus Subscribed viz.

October the 30th 1728

Read and Assented to by the Lower House of Assembly.

Signed ꝑ Order M Macnemara Cl Lo. Ho.

Read and Assented to by this House and Ordered to be so Subscribed

The Paper Bill so Endorst is sent to the Lower House by John Hall Esqr

Read the second time the Bill for relief of Jonathan Covill of Prince Georges County which is Ordered to be thus endorsed viz.

By the Upper House of Assembly October the 30th 1728

Read the second time & will not pass.

Signed ꝑ Order Geo. Plater Cl Up. Ho.

Sent to the Lower House by John Hall Esqr p. 377

An Engros'd Bill from the Lower House by Mr Thompson & Mr Hemsley Entituled

U. H. J. An Act for dividing of Saint Paul's Parish in Queen Anns and part of Talbot County thus Subscribed viz.

October the 30th 1728

Read & assented to by the [Lower] House of Assembly &
Sign'd ꝑ Order M Macnemara Cl. lo. Ho.

Read and Assented to by this House and Ordered to be so subscribed

The Paper Bill so Endorst is sent to the Lower House by John Hall Esqr

Philemon Lloyd and Philip Lee Esqr appointed in the Committee to consider of Amendments to the Tobacco Bill return and make report thereof to the House viz.

October the 30th 1728

By the Committee of both Houses appointed to inspect the Tobacco Bill sent from the Lower to the Upper House.

Philemon Lloyd and Philip Lee Esqrs appointed by the Upper House propose to Mr Harris Mr Dulany Mr King & Mr Key appointed [by the Lower House] the following Amendments

1 To compleat the restraining Clause and to guard against White Women Servants

2 That the number of Plants to be allowed to single Taxables & feme Sole's be insted of 12000.....10000

3 That Labourers under 16 years old belonging to Poor people be limited instead of 6000..5000

4. That no person that has six Taxable workers or more in Tobacco shall be allowed to plant any Tobacco for themselves

5. That those appointed should begin the 20th July to cut up Slips and Suckers and so to proceed as shall be necessary.

6. That the Penalty be exactly upon the second as on the first Refusing

7. That the Election of paying money be by the 10th of April and the Sheriff obliged to make his return by the last of June.

8 That no deduction be now setled but where the Charges are already reduced to a certainty viz. for the maintenance of Poor or any peice of Service that there may be Occasion of doing because the Persons that make those allowances will have it in their Power to consider the deduction at the same time and recommend that care be taken about the Tare of Cask and the manner of handling Tobacco

Phile. Lloyd Philip Lee
D. Dulany Ja. Harris, Philip Key.

Which Report was read and approved of by this House U. H. J.
Adjourn'd till to Morrow Morning nine of the Clock.

Thursday Morning October the 31st 1728 October 31

This House met again according to Adjournment, Present as Yesterday except John Rousby Esqr

A message from the Lower House by James Harris Esqr & Mr Key viz.

By the Lower House of Assembly October the 31st 1728.

May it please your Honours. p. 378

This House having concurred with the Amendments Propos'd by your House and reported by the Committee of both Houses yesterday will if your Honours also Concur amend the Tobacco Bill accordingly upon its being returned to this House by your Honours

Signed ꝑ Order M Macnemara Cl. lo. Ho.

To which the following Answer is prepared & sent by Philip Lee Esqr

By the Upper House of Assembly October the 31st 1728

Gentlemen

We concur with the Amendments proposed in the Report of the Committee of both Houses yesterday relating to the Tobacco Bill and have sent the same down to be amended according to the purport of your message this day by James Harris Esqr and Mr Key.

Signed ꝑ Order Geo Plater Cl Up. Ho.

A Bill from the Lower House by Major Robert Hanson and Mr Young Entituled An Act for the better regulating the parishes in St Marys & Charles County thus endors'd viz.

By the Lower House of Assembly October the 31st 1728

Read the first and second time by especial Order and will pass.

Signed ꝑ Order M Macnemara Cl lo. Ho.

Read the first time in this House and Ordered to lie on the Table

Read the second time the Bill to prevent the Abuses of concealing convicted felons and other Offenders Imported into this Province and for the better discovery of them which is ordered to be thus endors'd viz.

By the Upper House of Assembly October the 31st 1728

Read the second time and with a penalty (on the Master for not

U. H. J. lodging the Testimonials with the County Clerk) incerted the Bill will pass

Signed ꝑ Order Geo. Plater Cl Up Ho.

Sent to the Lower House by Nicholas Lowe Esq^r^

The Journal of the Committee of Accounts from the Lower House by John Beale Esq^r^ and two more thus Subscribed viz.

By the Lower House of Assembly October the 31^st^ 1728

Read and Assented to but this House Observing an Article in the Chancellors Allowance of 1440 of Tobacco for 12 proclamations to prevent the Exportation of Corn allowed thereof under this protestation that the same be not at any time hereafter drawn into Example to the prejudice of the Subject in his Liberty or Property nor to an allowance that the Governor and Council without An Act of Assembly have any power or Authority by Proclamation or otherwise to prohibit the Exportation of Corn or any other Commodity whatsoever that is usually exported nor to restrain any kind of lawful trade.

Signed ꝑ Order M Macnemara Cl lo. Ho.

Ordered to lie on the table.

A Bill from the Lower House by Captain Gordon & Edmund Jening Esq^r^ Entituled.

p. 379 An Act to Appropriate part of the Land laid out in the City of Annapolis for the building A Custom House on, to and for the building a Market House thus endors'd viz.

By the Lower House of Assembly October the 31^st^ 1728

Read the first and second time by an especial Order and will pass.

Signed ꝑ Order M Macnemara Cl lo Ho.

Read the first time in this House and Ordered to lie on the Table.

Read the second time the Bill to regulate the Parishes of S^t^ Marys and Charles County which is ordered to be thus endors'd viz.

By the Upper House of Assembly October the 31^st^ 1728.

Read the second time by an especial Order and will pass.

Signed ꝑ order Geo. Plater Cl Up. Ho.

Sent to the Lower House by John Hall Esq^r^

A Bill from the Lower House by John Beale Esq^r^ and M^r^ Hemsley Intituled An Act for Improving the Staple of this Province which is ordered to lie on the Table

A message from the Lower House by John Beale Esq^{r} and Col^{o} Bell viz. U. H. J.

By the Lower House of Assembly October the 31st 1728.

May it please your Honours

In answer to your message of yesterday by Benjamin Tasker Esq^{r} we can by no means agree to the Alteration you propose in the Oath of Judge or Justice because we conceive that as are and as now are to be Synominious terms and that either would bring the whole constitution into Question upon almost every dispute Whereas in our opinion the words standing as they do affirm the Constitution and Usage of the province and therefore hope your Honours will Assent to the bill as it now is.

Signed ꝑ Order M Macnemara Cl. lo. Ho.

An Engrost Bill from the Lower House by M^{r} Worthington Entituled

An Act for the relief of Edward Parish of Ann Arundell County thus Subscribed viz.

October the 31st 1728.

Read & Assented to by the Lower House of Assembly,

Signed ꝑ Order M Macnemara Cl lo. Ho.

Read & Assented to by this House and Ordered to be so Subscribed.

The Paper Bill so endorsed is sent to the Lower House by Col^{o} Mathew Tilghman Ward

A Bill from the Lower House by James Holliday Esq^{r} & M^{r} Johnson Entituled

An Act to supply some defects in the Act for the Encouragement of Learning &c & in an Act for laying an Additional duty of 20^{s} Currency ꝑ Poll on Irish Servants &c. thus endors'd viz.

By the Lower House of Assembly October the 31st 1728

Read the first time in this House & Ordered to lie on the Table.

Signed ꝑ Order M Macnemara Cl lo Ho.

By the Lower House of Assembly October the 31st 1728.

Read the second time by an especial Order & will pass

Sign'd ꝑ Order M Macnemara Cl lo. Ho.

Read the first time in this House and Ordered to lie on the Table p. 380

U. H. J. The following message is prepared and sent to the Lower House by Col° Mathew Tilghman Ward viz.

By the Upper House of Assembly October the 31st 1728.

Gentlemen

The Bill for Bettering the Staple of Tobacco being near finished by both Houses of Assembly and there being two Clauses in the Act Passed last Session of Assembly Entituled An Act concerning Tobacco which by experience have been found greatly Burthensom and detrimental to the Commerce of this Province viz. the Clause allowing eight ꝑ Cent and that relating to Rowling Tobacco wherefore we recommend to your House the necessity of bringing in a Bill to repeal the Clause aforesaid.

Signed ꝑ Order Geo. Plater Cl Up Ho.

A Message from the Lower House by Mr George & Mr Robins viz.

By the Lower House of Assembly October the 31st 1728

May it please your Honours

This House is inclinable to pay the charges of this Assembly for what more is due to the members of both Houses and the Officers &c than is allowed in the Journal of Accounts in Current money at 10s ꝑ hundred & desire to know if your Honours will Consent to the same

Signed ꝑ Order M Macnemara Cl lo. Ho.

The following Address was Presented to his Excellency by Col° William Holland attended by the rest of the members of this House viz.

To his Excellency Benedict Leonard Calvert Governor and
Commander in chief in and over the province of Maryland
The humble Address of the Upper House of Assembly

May it please your Excellency

We hold ourselves Obliged as an Upper House of Assembly to acknowledge our just and grateful sence of your Excellencys Vigilance & good Conduct in suppressing (by your timely Proclamation) the mischievous Designs of some secret Enemies to his Lordships Government and thereby secured the Assembly of this province now sitting against the flagrant & most Audacious Attempts Intended upon our Liberty and freedom of Legislation

Such Seditious practices are but too Evident proofs of the malice of some persons who may think to find their Account by Embarrassing the present Establishment and by involving the people into such a State of Jealousy and Discontent as tends manifestly to the Subversion of that peace & Tranquillity which we at present Enjoy U. H. J.

We therefore with a Zeal suitable to our Stations assure your Excellency that we will not only exert ourselves upon the present Occasion in making the best discovery we are able as well of the Authors and Abettors as of the dispersers of that Audacious Libel & Seditious Libel lately published in Prince Georges County. But that we are fully resolved also that if any the like Seditious Attempts should happen for the future to oppose the same with Vigour in Support of his Lordships dignity and just Prerogative in the preservation of your Excellencys Person and in promoting the peace and Tranquillity of all his Majestys Subjects within this Province of Maryland p. 381

Subscribed by all the Members Present

To which his Excellency made the following Reply

Gentlemen

Nothing can be more pleasing to me than the kind sence you entertain of my Vigilance to secure the just Liberty of Legislation the kind Assurances you give me of your ready Assistance on this and all like Occasions will leave Evil minded persons without hopes of carrying on such seditious designs with Success or even aiming at them with Impunity since they may be well assured of a Vigorous and united opposition to all Invasions of the rights of Government of A freedom in Legislation and of the repose his Majestys Subjects the Lord Proprietarys good Tenants now happily enjoy.

Benedict Leonard Calvert

Adjourn'd till to Morrow Morning nine of the Clock.

Friday Morning November the 1st 1728. November 1

This House met again according to Adjournment Psent as yesterday

Read the second time the Act for Improving the Staple of Tobacco which is ordered to be thus endors'd viz.

By the Upper House of Assembly November the 1st 1728

This Bill being read the second time will pass with the following Additions viz. the words (at any reasonable time before or after the said 10th day of April) in the 9th line of the last sheet and the words (which the Debtors shall be unable to pay) in the 13th line of the same Sheet being left out.

Signed ℘ Order Geo. Plater Cl Up Ho.

U. H. J. Which Bill so endorsd is sent to the Lower House by Benjamin Tasker and Philip Lee Esq^r^

The following message is prepared and sent to the Lower House by Nich^s^ Lowe Esq^r^ viz.

By the Upper House of Assembly November the 1^st^ 1728.

Gentlemen

In answer to your message of yesterday by M^r^ George and M^r^ Robins this House Concurs with you in your proposall of paying the Charges of both Houses of Assembly and the Officers &c^a^ more than is allowed in the present Journal of Accounts as Current money at 10^s^ ꝑ hundred.

Signed ꝑ Order Geo: Plater Cl Up Ho.

Read the second time An Act to supply some defects in the Act p. 382 for Encouragement of Learning &c^a^ and in one other Act for laying an Additional duty of 20^s^ Current money ꝑ poll on Irish Servants and negroes &c^a^ which is Ordered to be thus endorsed viz.

By the Upper House of Assembly November the 1^st^ 1728.

Read the second time and will pass

Signed ꝑ Order Geo Plater Cl Up Ho.

Sent to the Lower House by Col^o^ Richard Tilghman

Three Engross'd Bills from the Lower House by Major King & M^r^ Benjamin Mackall Entituled An Act for the relief of several poor Prisoners therein mentioned Also An Act for the better regulating the Parishes in St. Marys and Charles Counties & An Act to prevent the Abuses of Concealing convicted felons & other offendors Imported into this Province and for the better discovery of them thus severally Subscribed viz.

November the 1^st^ 1728

Read & Assented to by the Lower House of Assembly

Signd ꝑ Order M Macnemara Cl lo. Ho.

Read & Assented to by this House & ordered they be severally so Subscribed

The Paper Bills so severally endorsed are sent to the Lower House by Col^o^ Mathew Tilghman Ward.

A Bill from the Lower House by M^r^ Knight & M^r^ Hemsley Entituled

An Act repealing part of an Act concerning Tobacco thus endors'd viz. U. H. J.

By the Lower House of Assembly November the 1st 1728

Read the first & Second time by an especial Order and will pass.
Signed ꝑ Order M Macnemara Cl. lo. Ho.

Read the first time in this House & Ordered to lie on the Table.

The following message is prepared and sent to the Lower House by John Hall Esqr

By the Upper House of Assembly November the 1st 1728

Gentlemen

On reading the Bill sent from your House for regulating Officers fees we find A Clause therein making void all Obligations taken for fees by any Officer since the Act dissent to the Act made for that purpose Anno 1725 and to Oblige all Officers who have received any such fees in money to refund the same to the several persons from whom they have received it, in which we are ready to concur with you so far as to make void all such Obligations provided that all those fees be regulated according to the Act for regulating Officers fees Anno 1719 which we think is reasonable because upon his Lordships dissent to the Act Anno 1725 the Act in 1719 is the next immediate Act for that purpose which had the Assent of the whole Legislative power and therefore the best Rule to Charge the fees by as to the other part of the Clause abovementioned Obliging the Officers to refund what money they have received for fees we think it impracticable and Unreasonable because it will be difficult for the Officers to remember from whom and what sums they have received more money for their fees than the real value of them and p. 383 if they have in any particular instance extorted more than they ought the parties grieved may have their remedy another way and therefore we cannot consent thereto but propose that A Clause be incerted in the Bill instead of that Above mentioned only making void All Obligations taken for fees since his Lordships dissent to the Law made Anno 1725 as aforesaid and regulating all such fees According to the Act made Anno 1719 to be levied by Execution in the same manner as the other fees regulated in the present Bill and in regard we Observe some fees are Omitted for Services to be done for knowledge of which we refer you to the list herewith sent we desire the same may be supplied and that no Alterations of Expressions may Alter the nature and substance of the fees.

And we further Observe that you wholly Omit the Examiner Generals fees which we desire may be incerted in the Bill as formerly if your House Concurs with the Amendment herein proposed

U. H. J. we desire the Bill may be altered Accordingly with this further Alteration viz. that the time of payment be the 10th of April agreable to the Tobacco Law.

Signed ꝑ Order Geo Plater Cl Up Ho.

Read the second time the Bill Entituled An Act to Appropriate part of the Land laid out in the City of Annapolis for the building a Custom House to and for the building a Market House which is ordered to be thus endors'd viz.

By the Upper House of Assembly November the 1st 1728

Read the second time & will pass.

Signed ꝑ Order Geo Plater Cl Up Ho.

Sent down to the Lower House by Col° Mathew Tilghman Ward

The following message is prepared & sent to the Lower House by Benj^a^ Tasker Esq^r^ viz.

By the Upper House of Assembly November the 1st 1728

Gentlemen

In Answer to your Message of yesterday by John Beale Esq^r^ and Col° Bell in relation to the Amendment propos'd by our House in the form of the Oath of Judge or Justice we do Confess the words as are, and, as now are to be Equivalent terms implying Something then Subsisting but when applied to the form of the Oath could not we conceive in any construction of good Sence have relation to the Laws of England either now in force or hereafter to be in force otherwise than as those Laws are Agreable to the usage and Constitution of this Province this gave occasion to the Amendment as it was thought necessary for putting the true sence and real design of the Oath in a Clear Light

In this opinion we are confirmed as well from the reason of the thing as by the Authority of a message of your own House transmitted to us 3d of November 1724 whence in you yourselves lay it p. 384 down as a Rule that the Judges being sworn to judge according to the Law of England and Usage of this Province will be thereby Obliged to Judge no otherwise according to the Law of England than is agreable to the usage of this province nor doth the words as are, in the opinion of this House when added to Agreable to the Usage Constitution of this province import anything more than what is Expressly Asserted in the Above Rule

For as we take it the Than is agreable to &c^a^ in the message of your House and our as Agreable to &c^a^ in the amendments proposed are in like manner equivalent Convertible Terms implying the same thing in the Strictest construction that can be put upon the words for which reason we are the more Surprized to find a declaration U. H. J. from the House that what we had Added in the Amendment by way of Explanation only was taken by you to be Inconsistant with your design and tenor of the Oaths of a Judge or Justice whereupon we than desired you for avoiding misunderstandings between the two Houses to inform us who had no design of altering the Oath wherein the Amendment was Inconsistant with your design of the Oath to this we hope either to have a full & Satisfactory Answer or that your House will Agree to the Amendment propos'd

Signed ꝑ Order Geo Plater Cl. Up. Ho.

The following message is prepared and sent to the Lower House by Philip Lee Esqr viz.

By the Lower House of Assembly November the 1st 1728

Gentlemen

We Observe in the Law for regulating Writts of Error & Appeals the words are to the first of the Council in Commission in the Absence of the Governor whereas we think it necessary in case of such Absence the first of the Council then present should have Liberty to preside and proceed to trial of the several Causes and that the same Liberty be also given in Appeals from the Chancery and therefore we propose A Short Bill be prepared for that purpose as well as to Limit the time of Appeals therefrom

Signed ꝑ Order Geo. Plater Cl Up Ho.

A Message from the Lower House by Colo Gale and Mr Key viz.

By the Lower House of Assembly November the 1st 1728

May it please your Honours

Your message sent with the Bill for Limitation of Officers fees by John Hall Esqr contains several things of great Consequence which we reserve to ourselves the Liberty of Answering in a full and distinct manner and to put an end to the debates about the Officers fees we Agree to the regulation by the Act 1725 that all that have p. 385 had any fees become due to them since his Lordships dissent which they have not received be paid according to that regulation and have the Benefit of an Execution that all Obligations taken for fees be delivered up that those who have received money or Tobacco keep it that the fees Omitted in 1725 be now allowed and we cannot agree to incert the Examiner General in the Bill upon these Terms only we will Agree to the Bill

Signed ꝑ Order M Macnemara Cl. lo Ho.

Adjourn'd till to morrow morning nine of the Clock

U. H. J. November 2 Saturday Morning November the 2^{d} 1728.

This House met again according to Adjournment Psent as yesterday

The following petition being read is Ordered to be Entered viz.

To the Honble the Upper House of Assembly

The Petition of the Subscribing Clergy in behalf of themselves & Absent Brethren Humbly Sheweth

That the petitioners came into this Province upon the Encouragement given by the Act for establishing of Religious Worship that they thought themselves secure of the Enjoyment of what that Act allows for their Labours because it had the Royal Assent and Consequently the publick faith and Honour of his Majesty and this province engaged to support it Relying on which they have endeavoured to make some poor Settlement for themselves with an Intent to continue for Life here.

That notwithstanding the premises (they are Informed) that there is an Act past the Honourable the Lower House to cut of one fourth part of the Allowance given by the aforesaid Act which is now before your Honours that they are the more concerned at this because its A Grievous Offence against God in violently taken away part of what they had formerly devoted to him for the support of his Worship and Service and will in its consequences prove destructive to the very being and Constitution of the Church of England in this Province

Your petitioners think themselves in duty bound to represent these things to your Honours and begg that no Act so pernicious in its consequences to the Church may pass. And they will pray

Jacob Henderson Rector of Queen Anns Parish William Mackoncie Rector of Port Tobacco and Durham Parishes, John Donaldson Rector of King & Queen Parish John Humphreys Rector of Saint Anns Parish James Cox Rector of Westminster Parish Alexander Adams Rector of Stepney

Ordered that the following Endorsement be made thereon viz.

p. 386 On reading and considering the within petition the following Observations are made thereon viz.

Imprimis We Answer that this House hath no present views to deprive the Clergy of the Advantage proposed by the Law made in their favour Encouraging them to come into this Province and Propagate the Gospel here to which Act tis said the Royal Sanction hath been given altho at the same time we cannot but Observe the Income of the Several Incumbents at this day is greatly Advanced to what it was at the time of making that Law & Consequently the

Clergy are in no wise disappointed of their Expectation under the Encouragement of the same U. H. J.

2^{dly} We answer that instead of depriving the Clergy of the fourth part of the 40ᵗ of Tobacco ℘ Poll we have taken care in all human possibility to make three fourths of the Allowance to them of greater Value than the whole by making a Law to restrain the Inhabitants from cultivating much above half the Quantity of Tobacco (poor Excepted) which was generally tended in Order to better the Staple thereof A Law design'd as well for Advancing the Interest of the Clergy in particular as all the Kings Subjects in General and to make the Abatement equal the Allowances of both Houses of Assembly Lawyers fees and debts due to and from the Inhabitants are Subject to the same deduction and no repeal made of any part of that Law the deduction being to continue no Longer than the Advantage reaped by the Tobacco Law

3^{dly} Nor can we Conceive how it can be any Offence to God or Destructive to Religion for the good People of this Province to endeavour to advance the Interest of the Clergy by attempting to make three fourths of the 40ᵗ of Tobacco ℘ Poll amount to more in value than the whole did Generally produce to the several Incumbents and therefore we hold it Absolutely necessary that the Bill mentioned do pass this House seing in all Probability both Clergy and Laity will in their Several Stations receive a proportionable Advantage thereby

Signed ℘ Order Geo. Plater Cl Up Ho.

A Message from the Lower House by Col° Gale and three more viz.

By the Lower House of Assembly November the 2ᵈ 1728

May it please your Honours

In Answer to your Message of this day by Benjamin Tasker Esqʳ we were in hopes that the reasons which were mentioned in our message of the 31ˢᵗ of October by John Beale Esqʳ & Col° Belt why we could not depart from the words in the Judges Oath by Addition of the words as are was Expressed in such plain words, viz. that our Constitution would be brought into Question upon almost every dispute might have been Satisfactory to Convince your Honours that we cannot make the Addition you propose & we are further Confirmed in our Resolution by the very Message which you mention to have been sent on the third of November 1724 for it is worthy of Observation that the words Is in that message is in the singular number and restrained to our Usage and not to the Laws of England and which if so designed would have been in the p. 387

U. H. J. plural number therefore we cannot doubt of your Concurrence to pass that Bill as it now stands.

Sign'd ℘ Order M Macnemara Cl. lo. Ho.

An Engross'd Bill from the Lower House by M^r^ Crabb and M^r^ Hemsley Entituled

An Act to supply some defects in the Act Entituled An Act for the Encouragem^t^ of Learning &c^a^ and erecting Schools within the several Counties of this Province and to explain An Act laying An Additional duty of 20^s^ current money ℘ poll on all Irish Servants & negroes &c^a^ thus Subscribed viz.

November the 2^d^ 1728

Read & Assented to by the Lower House of Assembly

Sign'd ℘ order M Macnemara Cl lo. Ho.

Read & Assented to by this House & Ordered to be so Subscribed.

The Paper Bill so endorsed is sent to the Lower House by Cha: Calvert Esq^r^

A Bill from the Lower House by John Beale Esq^r^ and M^r^ Worthington Entituled An Act for the Enlargement of the Church in the City of Annapolis & building A Chappel of Ease thus endors'd Viz.

By the Lower House of Assembly November the 2^d^ 1728

Read the first & second time by an especial Order & will pass.

Signed ℘ Order M Macnemara Cl. lo. Ho.

Read the first and second time in this House and Ordered to be thus endors'd viz.

By the Upper House of Assembly November the 2^d^ 1728

Read the first & second time by especial Order & will pass.

Sign'd ℘ Order Geo Plater Cl Up Ho.

Which Bill so endorst was sent to the Lower House by Charles Calvert Esq^r^

Read the second time the Bill repealing part of An Act Entituled An Act concerning Tobacco which is ordered to be thus endorst viz.

By the Upper House of Assembly November the 2^d^ 1728

Read the second time and will pass with the following Amendments viz. the Allowance for the hhd being eight pence or six pounds of Tobacco ꝑ hundred at the election of the Buyer. U. H. J.

Sign'd ꝑ Order Geo. Plater Cl. Up Ho.

Sent to the Lower House by Charles Calvert Esqr

An Engross'd Bill from the Lower House by Capt Gordon & Mr Hemsley Entituled An Act to Appropriate part of the Land laid out in the City of Annapolis for the building the Custom House on, to & for the Building a Market House thus Subscribed viz. p. 388

November the 2d 1728

Read & Assented to by the Lower House of Assembly

Sign'd ꝑ Order M Macnemara Cl lo Ho.

Read & Assented to by this House & Ordered to be so Subscribed

The Paper Bill so endors'd is sent to the Lower House by John Hall Esqr

The following message is Prepared & sent to the Lower House by Nichs Low Esqr

By the Upper House of Assembly November the 2d 1728

Gentlemen

We concur with you in all the parts of your message of the 1st Instant relating to the Bill for Officers fees by Col° Gale & Mr Key save only in that part which relates to the Examiner General and as to that take leave to Observe to you that his Lordship by Virtue of his Prerogative has the sole power of appointing such Officers so that it is not in the power of either or both Houses of Assembly to suppress them and therefore we think it better to regulate their fees by a Law than leave them at Liberty to charge what they please for the services to be done by them we agree with you that the Officers of Examiner and Surveyor General are not both necessary for the Service of the Country but think the Examiner is much the more necessary of the two whose Office it is to correct Errors on Surveys which if not done must be of dangerous consequence to the Country but forasmuch as both those offices may be executed by the same person we shall be ready to join with you in an Address to his Lordship for that end and in the mean time we desire you in an Address to his Lordship for that end and in the mean time we desire you again to consider that it will be necessary to regulate their fees we also remind you to alter the time of payments to be made in money to Officers purpos'd to be the 10th of April which was omitted in your Message

Sign'd ꝑ Order Geo Plater Cl Up Ho.

U. H. J. An Engross'd Bill from the Lower House by Mr George and three more Entituled An Act for improving the Staple of Tobacco thus Subscribed viz.

November the 2d 1728.

Read & Assented to by the Lower House of Assembly.
Sign'd ꝑ Order M Macnemara Cl lo Ho.

Read & Assented to by this House & Ordered to be so Subscribed.

The Paper Bill so endors'd is sent to the Lower House by John Hall Esqr

An Engross'd Bill from the Lower House by Mr Taylor & Mr Wilson Entituled An Act repealing part of An Act Entituled An Act concerning Tobacco made at A Session of Assembly begun & held at the City of Annapolis on Tuesday the 10th day of October 1727 thus Subscribed viz.

November the 2d 1728.

p. 389 Read & Assented to by the Lower House of Assembly.
Sign'd ꝑ Order M Macnemara Cl lo. Ho.

Read & Assented to by this House and Ordered to be so subscribed

The Paper Bill so endorst is sent to the Lower House by Philip Lee Esqr

A Message from the Lower House by Edmund Jenings Esqr & Mr Hemsley viz.

By the Lower House of Assembly November the 2d 1728

May it please your Honours

The Bill for Improving the Staple of Tobacco having passed both Houses we are desirous that it should not meet with any Obstruction in its passing into a Law but least any miscarriage may happen to it either by a Misrepresentation of the present Circumstances of this Province or any Ungenerous Application of the Clergy hereof who are only affected in equal proportion with the other Inhabitants we hope that your Honours will join with us in an Address to his Honour the Governor.

Setting forth the present deplorable Circumstances of this province and the necessity of A Tobacco Law together with a representation of the Condition of the Clergy and of the little Reason they have to murmer against such a Law

This House being informed by some of the members that a petition signed by several of the Clergy has been presented to your Honours in opposition to the said Tobacco Bill we should be glad to know on what Obligations their desire is founded in such Petition U. H. J.

For the preparing such Address we have appointed James Harris and Edmund Jenings Esq^{rs} members of our House and with whom we desire your Honours will appoint one or more members of your House to joyn if your Honours think fit to Concur with us in the said Address

Sign'd ꝑ Order M Macnemara Cl. lo. Ho.

To which message the following answer is prepared & sent to the Lower House by Philip Lee Esq^{r} viz.

By the Upper House of Assembly November the 2^{d} 1728

Gentlemen

We concur with the purport of your message of this day by Edmund Jening Esq^{r} and M^{r} Hemsley and have accordingly appointed Philip Lee Esq^{r} to join the members therein named

Sign'd ꝑ Order Geo. Plater Cl Up. Ho.

A Message from the Lower House by John Beale Esq^{r} and M^{r} Robins with the Bill for regulating Officers fees viz.

By the Lower House of Assembly November the 2^{d} 1728.

May it please your Honours

This House concurs with your Honours in relation to Officers fees & have amended the Bill accordingly which they hope your Honours will dispatch as soon as possible.

Signed ꝑ Order M Macnemara Cl lo Ho.

The following message is prepared & sent to the Lower House by Col^{o} Mathew Tilghman Ward viz.

By the Upper House of Assembly November the 2^{d} 1728

Gentlemen

We recommend to your Consideration whether it be not necessary that the publick Treasurers Accounts should be entered into a fair Book rather than lie in loose Sheets in the Journal of the Committee of Accounts as the present use is and also that the several Naval Officers Accounts made up with the Treasurers be annually laid before the Assembly by which means Errors in the Treasurers Accounts (if any) may be corrected p. 390

Sign'd ꝑ Order Geo. Plater Cl. Up. Ho.

U. H. J. An Engross'd Bill from the Lower House by Captain Gordon and Mr Worthington Entituled

An Act for repairing and enlarging of the Church in the City of Annapolis and for Building A Chappel of Ease in the Parish of St Anns in Ann Arundell County and to impower the raising and levying A Quantity of Tobacco for that purpose thus Subscribed viz.

November the 2d 1728

Read & Assented to by the Lower House of Assembly

Sign'd ꝑ Order, M. Macnemara Cl. lo. Ho

Read & Assented to by this House and Ordered to be so Subscribed. The Paper Bill so endorst is sent to the Lower House by Charles Calvert Esqr

A Message from the Lower House by Colo Gale & Mr Johnson viz.

By the Lower House of Assembly November the 2d 1728.

May it please yr Honrs

As we hope this Session will end to night we desire your Honours will give all the dispatch you possibly can to the Business now before you

Sign'd ꝑ Order M. Macnemara Cl. lo. Ho.

The following message is prepared & sent to the Lower House by Charles Calvert Esqr viz.

By the Upper House of Assembly November the 2d 1728

Gentlemen

p. 390 His Excellency the Governor having been at a very considerable Expence in Proclaiming his most Sacred Majesty King George the Second on his happy Accession to the Throne of his Royal Ancestors which Ceremony was performed after the best and most suitable manner the Circumstances of this Province would admit of we therefore Recommend to your House the Consideration of An Acknowledgment to his Excellency suitable to his Zeal & Expence on the occasion in which this House will most readily Concur

Signed ꝑ Order Geo Plater Cl Up Ho.

Read the Journal of the Committee of Accounts which is ordered to be thus Subscribed viz.

By the Lower House of Assembly November the 2d 1728.

Read & assented to and in answer to the above Protestation we say that many Instances may be found upon the records of this province where Proclamations have been issued by the Governor U. H. J. & Council prohibiting the Exportation of Corn (as often as the necessity of the Country required it) and it is obvious to all the Inhabitants at the time when the proclamations above protested against were Issued there was the greatest necessity to prevent the Exportation of Corn it being so very scarce that most Families in the Country have suffered very much for want of it notwithstanding p. 391 the exportation was prevented & had the prohibition been delayed till an Assembly could have been called it would have been too late to prevent the Exportation and in all likelyhood many of the Inhabitants of this Province would have perished for want or would have been obliged to remove themselves and Families to neighbouring Colonies besides we are of Opinion that that part of his Lordships Charter which relates to Ordinances seem to warrant such Proclamations.

Sign'd ꝑ Order Geo. Plater Cl Up Ho.

Philip Lee Esq^r appointed in a Committee to draw up an Address to his Excellency presents the same to the House which being read & approved of is as follows viz.

To his Excellency Benedict Leonard Calvert Governor of Maryland.
The humble Address of the Upper and Lower Houses of Assembly

May it please your Excellency

From a Sence of your Excellencys ready disposition to the Welfare and prosperity of this province we have the greatest Reason to hope of your Excellencys kind Acceptance of this Application

The General Consent of the Provinces being reduced into the most deplorable Circumstances by the miserable Condition in which our Staple of Tobacco is at present has engaged the two Houses of Assembly by their duty to their country to endeavour the retrieving of the province from such a State which no true lover of it can view without the utmost Anguish In this Bill regard a Bill for the Improvement of the Staple of Tobacco has passed the two Houses but here we must beg leave to express our Surprize and concern that any particular set of persons should not only think themselves Injured by being included in such Bill in the same proportion and in Common with the rest of the Inhabitants but also have not been wanting in Attempts to frustrate the good designs & Intentions of the Legislators

We shall always readily show our Difference and respect to the Order & Ministry of the Clergy nor can we think we have acted in any manner Inconsistent with these our Professions by obliging the

U. H. J. Clergy of this province to an Abatement at the most but an equivalent to every Individual Inhabitant in this time of the Common misfortune of the Province & from which we conceive they ought not to be exempted by any Rules of Religion Justice or Law.

This proceeding will in our humble Apprehension appear the more reasonable since the Annual Allowance raised for the use of the Clergy in this Province amount to 1097320 Pounds of Tobacco A Burthen & Charge to great and insupportable for the Inhabitants p. 392 to bear after the Abatem^t is made which is designed by the Tobacco Bill from the Labours of the Inhabitants unless A moderate and Reasonable Price in Common with the other Creditors of Tobacco debts should be paid for the same and after that rate the said Quantity of 1097320 pounds of Tobacco when divided amongst all the Clergy of this province will be about 30000 Pounds of Tobacco Clear of all Charges and deductions to each of them one with another and that sold at the rate proposed by the Bill will be about 150 Pounds current money of this province If their Revenue should be paid in Tobacco with the deduction of a fourth they will have the Advantage of the Market of Tobacco with the other Inhabitants

We cannot but flatter ourselves that your Excellency will Continue in this particular your Tenderness to this Country & discountenance & discourage the endeavours of any persons in any manner & in any Place to destroy what is thought to be so Absolutely necessary for the preservation and well Being of Maryland

Subscribed by all the Members of both Houses

Ordered that John Hall Philip Lee Nicholas Lowe & Charles Calvert Esq^r attended by the members appointed by the Lower House wait upon his Excellency and present the same

Read the second time the Bill for Ascertaining the form of the Oath of Judge or Justice.

On Motion made the Question being put whether the said Bill Pass as the Oath stands therein.

Resolved in the Affirmative. Whereupon it is Ordered to be thus endors'd viz.

By the Upper House of Assembly Nov^r the 2^d 1728

Read the second time & will pass.

Signed ꝑ Order Geo Plater Cl. Up. Ho.

Sent to the Lower House so Endors'd by Col° Mathew Tilghman Ward

An Ingross'd Bill from the Lower House by M^r^ George and M^r^ Thompson Entituled A Supplementary Act to the Act for the relief of the Inhabitants of this Province from some Aggrievances in the prosecutions of Suits at Law thus Subscribed viz. U. H. J.

November the 2^d^ 1728

Read & Assented to by the Lower House of Assembly
Sign'd ꝑ Order M Macnemara Cl. Lo. Ho.

Read ꝑ Assented to by this House & Ordered to be so Subscribed

The Paper Bill so endors'd is sent to the Lower House by Phile: Lloyd Esq^r^

Read the second time the Act for Limitation of Officers fees which is Ordered to be thus endorsed viz.

By the Upper House of Assembly Nov. the 2^d^ 1728

Read the second time & will pass.
Sign'd ꝑ Order Geo. Plater Cl. Up Ho.

Sent to the Lower House by Philip Lee Esq^r^

A Message from the Lower House by John Beale Esq^r^ & Major Robert Hanson viz.

By the Lower House of Assembly November the 2^d^ 1728. p. 393

May it please your Honours

In answer to your message this day by Charles Calvert Esq^r^ we shall readily agree with your Honours in making his Excellency the Governor an Acknowledgment for causing our present most Gracious Sovereign to be Proclaimed in so magnificent a manner as he did and for that purpose propose to Request his Acceptance of 150 pounds Sterling wherein we desire your Honours Concurrence

Signed ꝑ Order M Macnemara Cl lo Ho.

To which the following answer is prepared & sent by Nicholas Lowe Esq^r^ viz.

By the Upper House of Assembly November the 2^d^ 1725

Gentlemen

We very readily concur with you in the Acknowledgment pro-

U. H. J. posed by your House to be made to his Excellency in your message of this day by John Beale Esqr & Major Robert Hanson

Sign'd ꝑ order Geo Plater Cl Up Ho.

The money Journal from the Lower House by John Beale Esqr and Capt Gordon thus Endorsed viz.

By the Lower House of Assembly November the 2d 1728

Read & Assented to

Sign'd ꝑ Order M Macnemara Cl. lo Ho.

Read and Assented to by this House and being so Endors'd is sent to the Lower House by John Hall Esqr

A Message from the Lower House by John Beale Esqr & Captain Gordon Esqr viz.

By the Lower House of Assembly November the 2d 1728

May it please your Honours

This House hath appointed John Beale Esqr and Mr Gordon a Committee to Apportion the Levy and desire to know what member of your House your Honours will please to appoint to join them

Sign'd ꝑ Order M. Macnemara Cl. lo Ho.

To which the following answer is prepared & sent by John Hall Esqr viz

By the Upper House of Assembly November the 2d 1728

Gentlemen

In Answer to your Message this day by John Beale Esqr & Captn Gordon this House does appoint Benjamin Tasker Esqr to join the said Beale and Gordon in a Committee to apportion the publick Levy.

Sign'd ꝑ Order Geo. Plater Cl Up Ho.

An Ingross'd Bill from the Lower House by Mr Crab & Mr Chamberlain Entituled An Act for Limitation of Officers fees thus Subscribed viz.

November the 2d 1728

Read & Assented to by the Lower House of Assembly

Sign'd ꝑ Order M. Macnemara Cl lo Ho.

Read & Assented to by this House & ordered to be so Subscribed. U. H. J.

The Paper Bill so indors'd is sent to the Lower House by Col° Mathew Tilghman Ward.

An Ingross'd Bill from the Lower House by Edmund Jenings p. 394 Esq^r and M^r Magruder Entituled An Act for ascertaining the form of the Oath of Judge or Justice thus Subscribed viz.

November the 2^d 1728.

Read & Assented to by the Lower House of Assembly.

Sign'd ꝑ Order M Macnemara Cl lo. Ho.

Read & Assented to by this House & Ordered to be so Subscribed

The Paper Bill so endorsed is sent to the Lower House by Col° M. Tilghman Ward.

A Bill from the Lower House by M^r Smith and M^r Robins Entituled

An Act for the payment and Assessment of the publick Charge of this Province thus endors'd viz.

By the Lower House of Assembly November the 2^d 1728

Read the first and second time by Especial Order & will pass

Sign'd ꝑ Order M Macnemara Cl lo Ho.

Read in this House and Ordered to be thus Endors'd viz.

By the Upper House of Assembly November the 2^d 1728

Read the first & second time by an especial Order and will pass.

Sign'd ꝑ Order Geo Plater Cl Up Ho.

Sent to the Lower House by Nich^s Lowe Esq^r

An Ingross'd Bill from the Lower House by John Beale Esq^r & Captain Gordon Entituled An Act for the payment & Assessment of the publick Charge of the Province for this present year 1728 thus Subscribed viz.

November the 2^d 1728

Read & Assented to by the Lower House of Assembly

Sign'd ꝑ Order M. Macnemara Cl. lo. Ho.

Read & Assented to by this House and Ordered to be so subscribed

The Paper Bill so endorst is sent to the Lower House by Benjamin Tasker Esq^r

U. H. J. The following message is prepared & sent to the Lower House by Nicholas Lowe Esqr

By the Upper House of Assembly November the 2d 1728

Gentlemen

We desire that you would send two of the members of your House to see the Laws sealed that have passed both Houses that they may be carried to your House to be presented by your Speaker to his Excellency the Governor for his Assent thereto at the Close of the Sessions.

Sign'd ꝑ Order Geo Plater Cl. Up Ho.

Thereupon John Beale Esqr and Mr Philip Key from the Lower House attend in the Conference Chamber to see the Laws sealed which were afterwards carried to the Lower House by the said Beale & Key

James Harris and James Holliday Esqrs from the Lower House acquaint his Excellency that their House have no Business before them

Whereupon Col° Mathew Tilghman Ward is sent to the Lower
House to acquaint the Speaker and the whole House that his Ex-
p. 395 cellency requires their attendance in the Council Room to see the
Laws enacted this Session receive the Assent. Forthwith the whole
House attend and by their Speaker present to his Excellency the
following Laws all which excepting that for regulating Officers
fees were signed & Assented to on behalf of the right Honourable
the Lord Proprietary of this province by his Excellency the Gover-
nor and sealed with his Lordships at Arms the Titles of which
Laws are as follows viz.

Chap. XXVII The Act for the relief of John Beale of Charles County

Chap. I N° 1. An Act for Ascertaining the form of the Oath of Judge or Justice

" II N° 2. An Act for Improving the Staple of Tobacco.

" III N° 3. An Act to repeal An Act Entituled An Act prohibiting the Importation of Bread Beer Flour, Malt wheat or other Indian or English Grain, or meat Horses Mares Colts or Fillies from Pennsilvania & the Territories thereto belonging

" V N° 4. A Supplementary Act to the Act Entituled An Act for the Establishment of Religious Worship in this Province according to the Church of England & for the Maintainance of Ministers

" IV N° 5. A Supplementary Act to the Act intituled An Act relating to Servants & Slaves

Nº 6. An Act reviving and Continuing An Act of Assembly of this Province Entituled An Act for the better relief of poor debtors	U. H. J. Chap.	VI
Nº 7 An Act to Encourage the destroying of Wolves Crows and Squirrels	"	VII
Nº 8. An Act to supply some defects in the Act Entituled An Act for the Encouragement of Learning and erecting Schools in the Several Counties within this Province and also to explain An Act Entituled An Act for laying an Additional duty of 20 shillings Current money per Poll on all Irish Servants being Papists to prevent the Growth of Popery by the Importation of too great a number of them into this Province and also the Additional Duty of 20^{s} Current Money ꝑ Poll on all Negroes for raising a fund for the use of publick Schools within the several Counties of this province	"	VIII
Nº 9 An Act to appropriate part of the land laid out in the City of Annapolis for the building a Custom House on to and for the building a Market House	"	IX
Nº 10 An Act repealing part of An Act intituled An Act concerning Tobacco made at A Session of Assembly begun & held at the City of Annapolis on Tuesday the 10th day of October 1727	"	X
Nº 11th An Act for the relief of Sarah Massey of the City of Philadelphia	"	XI
Nº 12. An Act for destroying Bears in Somerset County	"	XII
Nº 13. An Act to confirm two deeds of Sale the one from George Oldfield & Petronella his Wife and the other from Richard Carr Son and Heir at Law to a certain John Carr of Cecil County deceased to Casparus Augustin Herman	"	XIII
Nº 14 An Act for the naturalization of William Rayman of the City of Annapolis	"	XIV
Nº 15. An Act for erecting a new Parish out of that part of S^{t} Pauls parish that lies in Ann Arundel County and out of All Hallows and S^{t} Anns Parishes in the said County	" p. 396	XV
Nº 16. An Act for the laying out of Land and erecting A Town in S^{t} Marys County at a Place formerly called Seymour Town.	Chap.	XVI
Nº 17 An Act impowering the Justices of Calvert County to finish the Court House of that County by an Assessment on the Inhabitants thereof as also for the relief of John Critchard and William Kid two of the builders of the said Court House	"	XVII
Nº 18. An Act for the relief of Francis Garterell of Ann Arundell County	"	XVIII
Nº 19. An Act for dividing of Saint Pauls Parish in Queen Anns & part of Talbot County	"	XIX

U. H. J. Chap. XX N° 20. An Act for the relief of Edward Parish in Ann Arundel County

" XXI N° 21. An Act for the relief of John Powell John Nowell Samuel Stevens Mary Gordon and Thomas Price languishing prisoners in Ann Arundell County Thomas Hill and James Ward languishing prisoners in Talbot County, Richd Edwards & Nath Wright languishing prisoners in Queen Anns County Christopher Bonfield and Clarina Gilly Languishing prisoners in Calvert County Kennick Mac Kensey a languishing Prisoner in Charles County Peter Bromfield a languishing prisoner in Prince Georges County and Abel Van Burkeloe a languishing Prisoner in Cecil County

" XXII N° 22. An Act for the better regulating the parishes in St Marys & Charles Counties

" XXIII N° 23. An Act to prevent the Abuses of Concealing convicted felons and other Offendors Imported into this province & for the better discovery of them

" XXIV N° 24. A Supplementary Act to the Act for relieving the Inhabitants of this province from some Aggrievances in the prosecution of suits at Law

" XXV N° 25. An Act for repairing and Inlarging of the Church in the City of Annapolis and for the building a Chappel of Ease in the Parish of St Ann in Ann Arundel County & to Impower the raising and Levying a Quantity of Tobacco for that purpose

" XXVI N° 26. An Act for the payment & Assessment of the publick Charge of this province for this present year 1728

After which his Excellency was pleased to Conclude the Session with the following speech viz.

Gentlemen of the Upper and Lower Houses of Assembly

The Session being now drawn to a conclusion my sincere thanks attend the favourable Marks of your good will towards me in Return whereto I can only promise the Continuation of my Endeavours to promote your Welfare which I trust with the Blessing of the Almighty will Enable me to Advance, My Negative to the Officers fees Bill is pursuant to his Lordships Possitive Instruction therein

Your Joint Address this day presented me I suppose is fully Answered by the passing of the Tobacco Law which I heartily wish p. 397 may operate to the ease of the good people by an Amendment of their Staple, Let me earnestly Recommend to you in your several Stations a just and Careful Execution of that and all other Laws now or heretofore made 'Tis from the Execution of Laws and not from the enacting them only the good of A people must arise, May peace & Plenteousness dwell amongst you and as a free Easy and flourishing people your securest Establishment must be in a Steady Loyalty to the best of Kings and in a faithful duty to a most Indulgent Lord & Proprietor U. H. J.

After which his Excellency was Pleas'd with the Advice of his Lordships Council to Prorogue this Assembly to the second Tuesday in March next

Thus Endeth the first Session of the General Assembly of this Province begun and held at the City of Annapolis on the third day of October 1728 and ending the second day of November following in the second Year of the reign of our Sovereign Lord George the second and in the fourteenth year of his Lordships Dominions &c.

Geo. Plater Cl. Up. Ho.

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

October 3–November 2, 1728.

L. H. J. Maryland ss.

Calvert Papers No. 780 Gov. Calvert's Copy p. 1 October 3

At a Session of Assembly begun and held at the City of Annapolis in Ann Arundell County on Thursday the third Day of October in the fourteenth Year of the Dominion of the Right Hoñble Charles Lord Baron of Baltemore &ca Annoq Dom. 1728, appeared in the House of Delegates the Honble Benedict Leonard Calvert Esqr being Governour.

The Hoñble Collo John Mackall Speaker

For St Mary's County
Collo Thomas Trueman Greenfield (Abest)
Capn Thomas Waughop
Mr Phillip Key
Mr John Young

Kent County
James Harris Esqr
Mr Phillip Kennard
Mr George Willson
Capn Ebenezer Blackistone

Ann Arundell County
John Beale Esqr
Danl Dulany Esqr
Mr Richard Wharfield
Mr Thomas Worthington

p. 2 Talbot County
James Hollyday Esqr
Mr George Robins
Mr Saml Chamberlain
Mr John Edmundson

Baltemore County
Mr Roger Matthews
Mr Thomas Tolley
Mr Daniel Scott
Mr Wm Hamilton

Prince Georges County
Mr John Magruder
Major Saml Perrie
Mr Ralph Crabb
Collo Joseph Belt

City of Annapolis
Robert Gordon Esqr (Abest)
Edmund Jennings Esqr

Charles County
Major Robert Hanson
Collo John Fendall
Mr John Courts
Mr Samuel Hanson

Somersett County
Collo Levin Gale
Mr Robert King
William Stoughton Esqr
Mr George Dashiel
Absent

L. H. J.

Dorchester County
M^r John Brannock
Coll^o William Ennales
M^r Peter Taylor
M^r John Kirk

Cecil County
M^r Thomas Johnson
Coll^o Ephraim Augustine Herman
M^r Stephen Knight
M^r Joshua George

Calvert County
M^r Benjamin Mackall
M^r Walter Smith
Major Adderton Skinner

Queen Anns County
M^r Augustine Thompson
Capt^n William Elliott
M^r William Hemsley
Major W^m Turbutt

By the House of Delegates Oct^r 3^d 1728 p. 3

Ordered

That James Harris and John Beale Esq^{rs} go to acquaint the Governor that a Sufficient number of the Gentlemen elected by the Severall and respective ffreemen of the Province of Maryland to compose an House of Delegates are convened at the Stadt house.

They return and say they Delivered their Message

Coll^o Matthew Tilghman Ward Benjamin Tasker Esq^r and George Plater Esq^r Clerk of the Councill from the Upper house came into the Stadt house in whose Presence the said returned Members of the Lower House except those marked absent took the Oaths of Allegiance Abhorrence and Abjuration to his Present Majesty King George the Second repeated the Test and Signed the said Oaths and Test.

Soon afterwards came the Hoñble Phillip Lee and Nicholas Lowe Esq^{rs} from the Upper House and informed the said Representatives that the Governor required their immediate Attendance in the Councill Chamber, who thereupon went, and were there required by the Governor, to return to their House and Choose a Speaker, they Complied Accordingly and unanimously chose Coll^o John Mackall a Member returned to serve for Calvert County to be their Speaker, Placed him in the Chair, and Presented him to the Governor in the Usual manner where the said M^r Speaker decently and Submissively addressing himself to the Governor offered severall reasons disabling himself from serving in that Station and therefore made humble Suit to him to be discharged and that he wou'd be Pleased to Command the Delegates to make choice of an abler Person, which Excuses the Governor would no Ways admit of, being well Satisfied of the Skill & Knowledge of the said John p. 4
Mackall in the Publick Affairs of the Province and required him In the Lord Proprietors name to Accept of the said Place.

After which M^r Speaker in the name of the whole house of Delegates humbly desired the Governor on the Lord Proprietors Behalf

L. H. J. that the Delegates of this Assembly might have the freedom of Speech as of Right and by Custom they have Used and all their ancient and Just Priviledges and Liberties allowed to them and that in anything that he shall Deliver in the name of the Delegates if he shall commit any Errors no fault shall be imputed to the Delegates but that he may repair to them again for Declaration of their true intent and that his Error may be Pardoned.

And Lastly as often as Necessity of the Lord Proprietors Service and the Publick Good of this Province shall require it he may by the Direction of the house of Delegates have free Access to him all which the Governor was Pleased to grant and Confirm afterwards the Speaker with the rest of the Members returned to their own house. Mr Speaker reassumed the Chair and adjourned the house 'till to Morrow morning nine a Clock

October 4

Friday October 4th 1728

The Members Present yesterday in Conformity to the Last days Adjournment this day met, and being incapable of Proceeding any further in Business (with Conveniency) through the want of a Clerk make choice of Mr Michael Macnemara as Clerk of this House.

Robert Gordon Esqr a Member returned to serve for the City of Annapolis entred the house this day and Mr Richard Wharfield and Mr Edmund Jennings are Ordered to repair to the Upper house to see the said Gordon qualified according to Law, they return and acquaint Mr Speaker that they Saw the said Mr Gordon qualify himself by taking the severall Oaths to his Present Majesty King p. 5 George the second required by Law repeating the test and also by Signing the Severall Oaths of Abhorrence, Allegiance and Abjuration and test upon which the said Mr Gordon took his Place in House

The House Proceeded to name the Severall Committees and appointed them in Manner following (Viz.)

Mr Walter Smith of Leonards Creek Mr Ralph Crabb Collo Ephraim Augustine Herman Mr Robert Hanson Mr James Hollyday as a Committee of Elections and Priviledges.

Mr James Harris Mr Daniel Dulany Mr Joshua George Mr Samuel Hanson Mr Edmund Jennings Mr Phillip Key Major Samuel Perrie as a Committee of Laws.

Mr John Beale Mr Worthington Mr Hollyday Mr Chamberlain as a Committee of Accounts.

Mr Wharfield Collo Belt Mr Beale Collo Fendall Mr Matthews Mr Magruder Mr Hamilton as a Committee of Aggreivances and Courts of Justice.

Mr Beale and Mr Dulany were Ordered to Attend the Governor in order to acquaint him that this house had chose Mr Michael

Macnemara to be their Clerk And that the House desired his Approbation thereto they return and Acquaint the House they delivered their Message and that the Governour was Pleased to Approve of the said Macnemara. L. H. J.

Resolved that the time of Setting of this House to dispatch Business be from nine of the Clock in the forenoon to four of the Clock in the Afternoon during this Sessions of Assembly

Ordered that Mr Beale and Mr Dulany go to the Upper house to see Mr Macnemara qualified as Clerk to this House They return and Acquaint the house that they saw him Qualified by taking the Severall Oaths required by Law repealing the test signing the said Severall Oaths and Test and by taking the Oath of Office, According to the form following (Viz)

You Michael Macnemara do swear that as Clerk of the Lower House of Assembly you shall true Entries make of all such Matters and things as by the Hoñble Speaker for the time being and that house shall be to You directed the Secrets of the said House you shall not divulge to the Prejudice of the House or any Member thereof but shall in all things as Clerk to the said House well and truly demean Your self according to the best of your Knowledge p. 6

So help you God.

The House continue Mr Thomas Jobson in the Office of Serjeant at Arms and Mr Moses Adney as Door Keeper to the House and Order that they Severally take the respective Oaths to the Government and the Oath of their Severall Offices.

Collo Tilghman and John Rousby Esqr from the upper house Acquaint Mr Speaker that the Governour requires him and the whole house to Attend him im̃ediately in the Councill Chamber The whole house Accordingly went & return Mr Speaker reassumed his Chair and reported that the Governor was Pleased to make the following Speech [The text of this speech is printed at page 104.]

After which Mr Speaker lays before the House the Oath mentioned in the Governours Speech which Oath is ordered to be Entred as followeth. p. 9

The form of an Oath for Judge or Justice.

You shall swear that as a Justice of the Provincial Court of Maryland in all Articles of his Lordships Commission to you directed you shall do Equall Law & Right to all the Kings Subjects rich and Poor according to the Laws Customs and Directions of the Acts of Assembly of this Province and where they are Silent according to the Laws Statutes and reasonable Customs of England as have been used & Practised in this Province and not delay any Person of Common Right for any Cause or pretence whatsoever

L. H. J. and in Case any Letters shall come to you Contrary to Law that you do nothing by them but cause them to be Entred on Record and certify the King the Lord Proprietary or the Governour for p 10 the time being of them and Proceed to Execute the Law notwithstanding the said Letters that you shall hold your Courts according to the Acts of Assembly and the Directions in your Commission that you shall do and Procure the Profit of the Lord Proprietary in all things where you may Lawfully & reasonably do the same and that you shall not debar or hinder the Prosecution of Justice nor take any Guift Bribe or Fee for delaying or Rendring of Judgment but shall behave your Self justly honestly and faithfully to the best of your Knowledg and understanding so long as you shall Continue in the said Office. So Help you God.

The House, Unanimously agree on the following Rules Viz.

By the Lower House of Assembly, October 3th 1728

Rules and Orders of the Lower House of Assembly to be Observed by the Members and others in the said House.

1st That no Burgess Deputy or Delegated Member of this House shall Use any reviling Speeches or Name any Member by his Proper Name otherwise than for Distinction sake but shall rather use some other Signification Viz. The Gentleman that Spoke last or the Like.

2dly That no Member Speak above once at the reading of any Bill or Debate without Licence of the Speaker and the house and if two Persons or more rise up together the Speaker shall appoint p. 11 who shall speak first and no Member shall interrupt any other untill the Gentleman who shall speak first hath Ended.

3dly That none shall deliver his Opinion or Speak to any Bill or Debate unless he shall stand up and reverently direct his Speech to the Speaker.

4thly That every Bill proposed to the House shall be read two Severall days before it is sent to the Upper House and once after before it is Engrossed and that between every reading one day shall be intermitted and that in that time the Bill be laid on the Table in Order for the Perusall of all the Members unless on very urgent Occasions Mr Speaker with the Consent of the House shall dispence therewith: and then one Bill being read Twice at one Setting shall be as Sufficient as if read two severall Days when so Entred in the Clerks Journall.

5thly That no Person shall come into the House of Assembly whilst the same is Setting with sword or other Weapon but shall put the same into the hands of the Door Keeper or other person appointed to receive the same upon Penalty of such fine as shall be imposed on them by the Speaker not exceeding five Shillings for any one Offence. L. H. J.

6thly That any Member bound to Attend this Assembly that shall be Absent at the hours and Place appointed after the number of twelve of the Members with the Speaker are met according to the Order for setting shall be fined according to the Discretion of the Speaker not Exceeding five shillings for any one offence unless upon such reasonable Excuse as the speaker shall admit of.

7thly All Misdeameanours which shall happen in the House shall be censured and fined in the House.

8thly That no Bill shall be read at any time during this Sessions till all the Members in Town be called in except in Case of Sickness or other reasonable Excuse to be Permitted by the Speaker. p. 12

Mr Beale one of the Members of this House and a Magistrate being ordered to Administer the Severall Oaths by Law required in Order to Qualify Mr Thomas Jobson for Serjeant at Arms to this House and Mr Moses Adney for Door Keeper returns & acquaints the house he did the same.

Ordered that the Governors Speech be referred to the Committee of Laws and that they Prepare an Answer thereto and that they Likewise take into their Consideration the Oath of Judge and Justice recommended in the Governors Speech.

Mr Thomas Worthington is ordered to Acquaint the Reverend Mr Humphreys that this house desires him to read Divine Service during this Sessions at half an hour Past Seven of the Clock in the Morning and at four of the Clock in the Evening who returns and informs the House that he delivered the Message.

The House Adjourns till to Morrow Morning at nine of the Clock.

Saturday October 5th 1728

October 5

The House met this day according to Adjournment. The Members were Called over and all were Present as Yesterday except Mr Robert Gordon absent through Infirmity of Health.

Yesterdays Proceedings were read over

The Petition of Thomas Canner Son and Heir of Edward Canner of Dorchester County lately deceased being read this Day in the House is referred to be Considered of untill next Sessions of Assembly at which time all Persons concerned are to have due Notice. p. 13

The Petition of Thomas Hill a languishing Prisoner in Talbot County being this Day read in the house is granted and Ordered that a Bill be brought in for the Petitioners releif.

Ordered that Mr William Turbutt of Queen Anns County be added to the Committee of Accounts.

L. H. J. The Petition of Richard Edwards a languishing Prisoner in the Gaol of Queen Anns County being this day read in the House is granted and Ordered that a Bill be brought in for the Petitioners releif.

The Petition of Nathaniel Wright a Languishing Prisoner in the Gaol of Queen Anns County was read and granted and ordered that a Bill be brought in for the Petitioners releif.

The following Message being prepared is ordered to be Entred thus (Viz.) [The text of this message is printed at page 106.]

p. 14 This Message was sent by James Hollyday Esq^r and M^r Tolley who return and acquaint the House they delivered the same.

Coll^o Tilghman from the Upper House delivers M^r Speaker the following Message (Viz) [The text of this message is printed at page 107.]

Daniel Dulany Esq^r Chairman of the Committee of Laws delivers M^r Speaker from the said Committee the following Report (Viz)

By the Committee of Laws. October 5^th 1728

Your Committee having taken into their Consideration the form of the Oath of Judge mentioned in his honour the Governors Speech as recommended by the Right Honble the Lord Proprietary have made the few observations following thereon.

1^st We take it as a truth not to be denied, with any Shew of reason that the Benefit of the Laws of England as well Statute as Common is the undoubted Right of the People of Maryland and that their Representatives could not be Guilty of anything more Destructive to the Rights and Liberties of those who have entrusted p. 15 them, more inconsistent with their own Duty or more base and treacherous Than to give up or Consent to impair or Lessen that Right and that as the best of Laws without being duly executed are insignificant and useless so the benefit of the good & wholesome English laws will be of none Advantage to the Brittish Subject residing in Maryland unless all possible Care be taken that Justice be equally, justly and impartially administred according to the Directions of the said Laws and that the Judges be under the Tie of an Oath to discharge so essentiall and necessary Part of their Duty.

2^dly That altho the words (the Laws Customs and Directions of the Acts of Assembly) seem to be terms unknown to the Laws as there applied and indeed an Impropriety, Your Committee will not trouble you with any particular Observation on that part referring the same to future Consideration but another Part of the Oath which runs in these words according to the Laws Statutes and reasonable Customs of England as have been Used and Practised in this Province, is not to be Passed over, for it seems to your Com-

L. H. J.

mittee to be Calculated first to furnish a Pretence for endless Disputes which may reach every case that shall be Determined upon the foundation of an Act of Parliament (Viz) Whether such Act has ever been made use of in this Province or which is the same thing any Judgment given upon it and consequently to bring the foundation of such Decision in Question and such Question cannot be determined in many Cases even where the Statutes of England have been the foundation of the Judges resolution Since by any Proceedings in many Causes on Record the reasons or Arguments do not appear, nor is it Customary to mention generall Statutes in the Pleadings altho the Judgments of the Court have been Actually founded on them.

p. 16 2ly To Exclude the Subject of the Benefit of every Act of Parliament whereon no Judgment appears yet to have been rendered altho there are many such that are as necessary to Secure the Subject all his Rights and Liberties as any that he hath already had the Benefit of in any of our Courts of Justice and which it is very Probable the Subject would have just cause to complain of the Breach and to Claim the Benefit of in a Judicial way before now had not Evill minded People been afraid of the Penalties they might have been Liable to for transgressing such laws.

And 3ly To Exclude the Subject of any Advantage of future beneficiall Statutes for in a Grammaticall Construction of the words (have been used) we conceive they will be restrained only to the Statutes heretofore used and not to mean the Usage of this Province of Statutes in generall.

Or at best that such terms may be made the Subject of Contention and Probably a Pretence to injure the Subject by Depriving him of the Benefit of a Law that he has a right to.

3ly That the Words for the Letters of the King the Lord Proprietary or of any other whatsoever are omitted in the Oath for what reason we cannot apprehend unless it be that it was thought the incerting them was Prejudiciall to the Royall Prerogative or the Proprietary's as Hinted by his Honour the Governor in his Speech to both houses.

Your Committee beg leave to observe that the words of the Statute of eighteenth of Edward the third which was made near four hundred Years Since and has continued ever since without Alteration are, That ye deny to no man Common Right by the Kings Letters nor none other mans, & in the twentieth year of the p. 17 same King it is observed that the King had commanded all his Judges that they should thenceforth do Equall Law and Execution of Right to all his Subjects rich and Poor without having regard to any Person and without omitting to do Right for any Letters or Commands that might come from the King himself or from any other or by any other Cause and that if any, Letters, Writs or Com-

L. H. J. mandments should go to the Justices or other deputed to do Law and Right according to the Usage of the Realm in Disturbance of the Law or of the Execution of the same or of right to the Parties, That the Justices should certify the King and his Councill of such Letters and Writs contrary to Law and Proceed to Execute the Law, and by the Sixteenth of Charles the first for taking away the Star Chamber in the fifth paragraph of it which is declaratory of the subjects right in his Property, It is declared and Enacted that neither his Majesty nor his Privy Councill have or ought to have any Jurisdiction Power or Authority by English Bill, Petition, Articles Libell, or any other Arbitrary way whatsoever to Examine or draw into Question determine or Dispose of the Lands Tenements Hereditaments Goods or Chattles of any the Subjects of this Kingdom but that the same ought to be tryed and Determined in the Ordinary Courts of Justice and by the Ordinary Course of the Law, the Kings Letters are mentioned in the Oath Prescribed by the first Act and Sir William Thorpe cheif Justice of the Kings Bench in the 25th year of Edward the third was Condemned to be hanged for taking Bribes contrary to that Oath which Judgment was confirmed in Parliament.

The Kings Letters are mentioned in the 40th of Edward the third and the Kings Power in the 16th of Charles the first which Induced
p. 18 the Assembly to incert the words, the Kings Letters, in the Oath prescribed by Act Here to be taken by the respective Judges, and because the Oath of Judge in England and all other Obligations and Proceedings in matters of Judicature so far as the Circumstances of the Province of Maryland will admit of are most agreeable to the Genius and Constitution of its Inhabitants and Your Committee are at a Loss to know wherein the incerting the words so Necessary and that have had near four hundred years approbation in the Oath of a Judge can Possibly give the least Colour for so heavy a charge as your Committee conceives is contained in the following part of his Honour the Governors Speech forasmuch as the words thereof not only seem to reflect upon the Crown but may also be genuinly construed as intended to affect his Majesties Royall Prerogative in severall of its Branches as well in those reserved peculiarly to his Sovereign Person as in those Delegated to or rather deposited and trusted by the Charter to the Lord Proprietary. Your Committee may venture to Affirm that the Royall Prerogative is as dear to the People of Maryland as to any other of his Majesties Subjects and that they are Convinced their happiness and Welfare depend under God & the Present happy Establishment in his Present Majesty's August family, And that should the Royall Prerogative suffer any Injury or Diminution, we his Majestys Loyall Subjects must be involved in all the unhappy consequences whence we conceive it follows that our own Interest would not fail to dictate to us, that we ought not, could we have a Prospect of Succeeding attempt

anything Prejudiciall to our most gracious King his Prerogative or Dignity & we beg leave to add that the Laws of England instruct us that the Royal Prerogative is never better Exerted than in supporting the Subject in all his Rights, which Rights cannot possibly be Supported unless Justice be duly and impartially administred according to the good English Laws; And it is very certain that those Entrusted with the Administration of Justice cannot Possibly be under too many Obligations to Discharge their Duty with Integrity and altho the People of Maryland have the Misfortune to Live in a very remote Part of his Majestys Dominions, yet are they enough acquainted with the Invaluable Blessings which all the Brittish Subjects derive from his present gracious Majesty the greatest and best of Kings and that nothing can be more inconsistent with his Royall Goodness than that anything which has the Appearance of a Command or Authority from his Majesty should operate to the Prejudice of the meanest of his Subjects. **L. H. J.** **p. 19**

These Observations Your Committee submit to the Consideration of the House.

Signed ꝑ Order W^m^ Ghiselin Cl. Comm.

Which Report being twice read by the Clerk of this House the house unanimously concur with the said Committee in their Report and thereupon order that it be an Instruction to the Committee of Laws that in the Answer to the Governors speech the inconsistency of the Oath recommended therein be observed and reasons given wherefore this house doth not approve of it.

Coll^o^ Ward from the Upper House delivers to M^r^ Speaker the following Petition (viz) John Critchard and William Kidd their Petition Clarina Gilly her petition and the Petition of S^t^ Pauls Parish in Queen Anns County.

On the back of which Petitions were the following Indorsements Viz. On the back of William Kidd and John Critchard their Petition it was thus Indorsed.

By the Upper house of Assembly October 5th 1728 **p. 20**

Read and referred to the Consideration of the Lower house of Assembly.

Signed ꝑ order Geo: Plater Cl: Up: ho:

On the back of Clarina Gilly her Petition it was thus Indorsed Viz.

By the Upper house of Assembly October 5th 1728.

Read and referred to the Consideration of the Lower House of Assembly.

Signed ꝑ Order Geo. Plater Cl. Up. ho.

L. H. J. On the back of the Petition of S^t Paul's Parish in Queen Anns County it was thus Indorsed Viz.

By the Upper House of Assembly October 5th 1728.

Read and recommended to the Consideration of the Lower house of Assembly

Signed ꝑ order. Geo. Plater Cl. Up. Ho.

The following Message being Prepared is ordered to be Entred thus (Viz) [The text of this message is printed at page 107.]

This Message was sent by M^r Samuel Hanson and M^r Jennings who return and Acquaint the House with their Deliverry thereof.

The Petition of Saint Pauls Parish in Queen Anns County recommended here from the Upper House, was read in this House & ordered that leave be given to bring in a Bill to Confirm the Division formerly made by Commissioners.

p. 21 The Petition of Peter Bromfield a Languishing Prisoner in Prince Georges County being read it is Ordered that a Bill be brought in for relief of the Petitioner.

The House adjourns till Monday Morning 9 a Clock.

October 7 Monday October 7th 1728

The House met this Day according to Adjournment.

The Members were called over and all (except M^r Ralph Crabb) that were Present on Saturday Appeared.

Saturdays Proceedings were read over M^r Robert Gordon absent last Saturday through Sickness appeared in the House this day.

The Petition of Clarina Gilly a Languishing Prisoner in the Gaol of Calvert County referred here from the Upper House was this day read and Ordered that a Bill be brought in for the Petitioners releif.

Coll^o Levin Gale M^r Robert King M^r William Stoughton M^r George Dashiell Delegates returned to serve for Somerset County absent till now appear in the House this day.

M^r George and M^r Key are ordered to go to the Upper House and see them Qualified they return and inform the house that they saw the said Gentlemen qualify themselves according to Law.

The Petition of John Critchard and William Kidd both of Calvert County referred here from the Upper House being read it is Ordered that Leave be given to bring in a Bill to Enable the Justices of Calvert County to Assess so much Tobacco upon the Inhabitants thereof to the use of the Petitioners as will make them

p. 22 Compensation for what they Deserve besides what they have already received, and to Empower the s^{d} Justices to agree with any Person L. H. J. or Persons to Paint the Court house and to Assess so much Tobacco in manner af^{d} as they shall think Proper for the same not exceeding sixteen thousand Pounds of Tobacco, And that the Place where the new Court house is built be named Prince Frederick Town by a Clause in the said Bill to be Incerted.

Resolved that M^{r} William Parks of the City of Annapolis Printer have liberty daily to Print the Votes and resolves of this House during this Sessions and that on his Application to the Clerk of this house for the same he may take Copys for whose Encouragement in the Performance thereof this House hath thought Proper to allow the said Parks one hundred Pounds of Tobacco ꝑ Diem

The Petition of James Ward a Languishing Prisoner in the Gaol of Talbot County being this day read is ordered that leave be given to bring in a bill for the Petitioners releif.

Resolved that no Petition concerning languishing Prisoners in the Gaols of the Severall Countys of this Province praying releif by the Interposition of this house be received unless the Severall Petitions be on the backs thereof or in some other manner recommended by some of the Justices of the Countys from whence the Petitions come which recommendations unless made in Open Court to be of no Avail.

M^{r} Benjamin Mackall by the House is added to the Committee of Elections and Priviledges.

The Petition of Kenith McKenzey a Languishing Prisoner in p. 23 the Gaol of Charles County being read, It is ordered that leave be given to bring in a Bill for the Petitioners releif.

John Rousby Esq^{r} from the Upper House delivers to M^{r} Speaker the following Petitions (Viz)

The Petition of the Inhabitants of the Upper part of William and Mary Parish in Saint Marys County.

Gabriel Morans Petition.

The Petition of the Inhabitants of S^{t} Marys County

The Petition of the Reverend M^{r} William Tibbs.

And the Petition of Sarah Massey of Philadelphia Widow on the back of which Petitions were the following Indorsements, viz. On the back of the Petition of the Inhabitants of the Upper part of William and Mary Parish in Saint Marys County it was thus Indorsed.

By the Upper house of Assembly Oct^{r} 7th 1728

Read and referred to the Consideration of the Lower house of Assembly

Signed ꝑ Order. Geo. Plater Cl. Up. ho:

L. H. J. On the back of the Petition of Gabriel Moran it was Indorsed in manner following (Viz.)

By the Upper House of Assembly October 7th 1728

Read and referred to the Consideration of the Lower House of Assembly

Signed ℘ Order. Geo. Plater Cl. Up. ho.

On the back of the Petition of the Inhabitants of St Mary's County it was thus Indorsed (viz)

By the Upper House of Assembly Octr 7th 1728.

p. 24 Read and referred to the Consideration of the Lower House of Assembly

Signed ℘ Order Geo. Plater Cl. Up. Ho:

On the Back of the Petition of the Reverend Mr William Tibbs it was Indorsed thus (Viz)

By the Upper house of Assembly October 7th 1728.

Read and referred to the Consideration of the Lower House of Assembly.

Signed ℘ Order. Geo. Plater Cl. Up. Ho:

On the back of the Petition of Sarah Massey of Philadelphia Widow was the following Indorsement (Viz.)

By the Upper House of Assembly October 7th 1728

Read and referred to the Consideration of the Lower House of Assembly.

Signed ℘ Order. Geo. Plater. Cl: Up: Ho.

Gabriel Moran of Charles County his Petition for Naturalization referred to this House from the Upper house being read it is ordered that Leave be given to bring in a Bill according to the Petitioners Prayer.

Collo Tilghman from the Upper House delivers to Mr Speaker the following Message (Viz.) [The text of this message is printed at page 111.]

p. 25 Daniel Dulany Esqr from the Committee of Laws to whom Orders were given to Prepare an Address to the Governors Speech reported that the said Committee had drawn an Address accordingly which he read in his Place and afterwards delivered it in at the Table which was afterwards read by the Clerk of the House in the words following (Viz.) L. H. J.

To the Honourable Benedict Leonard Calvert Esq^r Governor of Maryland.

The Humble Address of the House of Delegates

May it Please your Honour

We his Majestys most Dutifull and Loyall Subjects the Representatives of the freemen of Maryland, return your Honour our humble and hearty thanks for the great regard you are Pleased to express for the Prosperity and Welfare of the Province; And we do, with the greatest Sincerity, assure your honour, that we are firmly resolved faithfully to discharge to the utmost of our Power our Duty to our most gracious Sovereign to his Lordship the Lord Proprietary, and the People we represent.

Altho we are really concerned that there should be any Difference between his Lordship and his Tenants, yet it is the greatest Consolation imaginable to us to know that they have given no Occasion for a Difference; unless a firm Attachment to the Interest and welfare of their Country and a fix'd resolution to hand the same Rights and Liberties which they derive from their Ancestors, and the Laws of their Mother Country and this Province Pure and undefiled, to their Posterity be such. If these be Causes of Differences we hope they will never cease. What the Votes were that alarmed p. 26 his Lordship we cannot guess, unless they were the Resolves of the Lower House of Assembly, wherein the Upper House concurred relating to the Constitution of the Province; which Resolves we do Assure your Honour we still firmly adhere to. The Sovereign Right of the Crown of Great Brittain in and to this Province, as it is under God, our greatest Security, so we Account it our Chiefest happiness And we do Affirm that the People we represent and our selves are so far from a thought injurious to that right that they and we would spend the last Drop of their & our Blood in the Defence of it.

We are at a Loss to Conceive how the laying the Judges under the Obligation of An Oath to Administer Justice according to the Laws that ought to be the rule of all their Decisions could give his Lordship any Apprehensions or oblige his Lordship to dissent to an Act that has no other Tendency nor can without the greatest Violence to its sence and the Intention of the Makers of it contained in Clear and explicit Terms be otherwise Construed but to Oblige the Magistrates to do their Duty. Nor can the words of that Oath by any means in our humble Opinion deserve so heavy a Charge, as an Intent to Effect his Majesties Royall Prerogative in any much less in Severall of its Branches either in those reserved peculiarly to his Sovereign Person or in those Delegated to or deposited and

L. H. J. trusted by the Charter to his Lordship: for we beg leave to Observe, that the words which we suppose gave Occasion to that Charge Viz. And not delay any Person of Common Right for the Letters of the King the Lord Proprietary or of any other whatsoever, in our humble Opinion contain no more in Substance than these words, And that they deny to no man Common Right by the Kings Letters nor p. 27 none other mans; which are Part of a Judges Oath prescribed by the Statute of the Eighteenth of Edward the third and have continued without Alteration three hundred and Eighty four Years, and which we Conceive would hardly have continued unaltered so long had they contained anything Prejudiciall to the Royall Prerogative.

We Cannot in Justice to the People we represent, and our selves, but observe that severall Attempts have been made by the Artifices of designing men under a Pretence of serving his Lordship (altho they were secret Enemies to his true Interest, and openly and avowedly such to the Prosperity of the Province) to violate the Rights granted to the People of Maryland, in and by the Royall Charter; which however have not so far succeeded as was intended, and we hope and Trust never will have better Success whenever they shall be Attempted for the future.

We have taken the form of the Oath mentioned in Your Honours Speech into our most Serious Consideration, and we beg leave to acquaint your Honour that we Conceive it to be so far from securing to us and our Posterity the same Measure of Law and Right which our Ancestors and our selves have ever Enjoyed, that it is Calculated (we hope contrary to his Lordships Intentions) to undermine all or the greatest Part of our most valuable Priviledges and to deprive us of the means of Securing them; which means we Conceive to be the Benefit of all the English Laws, securitative and Confirmatory of the Rights and Liberties of the subject; some of which Laws have not yet been put in Execution amongst us not because they ought not but because there has yet been no Occasion; and many of those that have actually been put in Execution especially Generall Statutes do not appear by Pleadings on Record to have been so.

And we have no Reporters of Cases determined in our Courts of Justice nor any other means that we know of to transmit to Posp. 28 terity what Statutes or reasons the Judges grounded their Judgments upon; and yet by the Oath proposed instead of enquiring whether a Statute really affects the Case in Controversy? the Question will be whether such Statute hath been heretofore used and Practised? which Question may be made in Every case; and in Process of Time a Pretence to deprive us of the benefit of all the Laws of our Mother Country heretofore made and hereafter to be made.

We beg your Honour to return his Lordship our most hearty thanks for the Intimation you have been Pleased to give us as from his Lordship of his Majestys most gracious reception of our Address and we sincerely and heartily pray the King of Kings to Pour his Blessings upon his Majesty and his most illustrious family; and that Great Brittain may never want one of his Royall Line to Sway its Sceptre. L. H. J.

We have Perused the Abstract of the Virginia Act, for erecting a Light House; and altho we are willing to Contribute as much as in our Power to every thing that may be a security to Trade and Navigation; yet are we unwilling to burthen the People we represent, or Traders with any Charge for that Purpose till we can be Satisfied that the thing proposed is really advantagious.

We are Obliged to your Honour for recommending to us the care of our Staple which indeed is in such a Miserable condition, as requires our utmost care to remedy; And we will not fail to do all that we can towards it.

We are Sorry that your Honour should have Cause to Complain of any Suggestions Prejudiciall to your reputation, and we do assure you that we will as much as in us lies discountenance all such Suggestions and that nothing but Actions shall ever induce us to Suspect any Person much less our Governor.

As we shall always confine our Desires, to the best of our understanding to what shall be just and reasonable, we cannot entertain the least Doubt of your Honours Concurrence with us. We are really sorry for your Honour's indisposition and shall ever retain a gratefull sence of your Devotion to the service of the Province of Maryland.

The House approved unanimously of this Address And Ordered that Daniel Dulany Esq^r employ some Person to Ingross it. p. 29

The Petition of the Inhabitants of S^t Marys County praying leave to bring in a Bill for laying out a Quantity of Land for erecting a Town where the Court now meets, being read it is Ordered that leave be given to bring in a Bill accordingly

The Resolves of the House of Delegates made the 9th day of October Anno Dom: 1725 being read are Nemine Contradicente approved of, and ordered to be Entred as the Resolves of this House in manner following (Viz)

Resolved by the House that the Members that are appointed as the Members of the Committee of Aggreivances have likewise the Character of a Committee for Courts of Justice and that the Character and the Duty of such Committee be annext to the said Committee of Aggreivances as a Standing Part of their Duty.

And that it be an Instruction to the said Committee as a Committee of Courts of Justice that they observe the nature of all the Com-

L. H J. missions to the severall Courts of Judicature within this Province and that they especially observe any Alterations that may at any time happen by accidentall Omission or otherwise therein and Particularly relating to such words therein as require the severall Judges and Justices to hear try and Determine according to the Laws Statutes Ordinances and reasonable Customs of England and of this Province or to such other words as have relation thereto and that they shall immediately make report to House of any Alterations that shall at any time happen in such Commission; and likewise p. 30 to have regard as near as may be to observe wherein they differ from the forms of the severall sorts of Commissions to the Judges and Justices in England.

Likewise Resolved That it be an Instruction to the said Committee to inspect the forms of the Oaths of Office that have been, And now are usually taken by the severall Magistrates and that in Case the following Clause be not inserted in the said Oath. It be reported to the House such Clause being agreeable to the Oath taken by the Judges in England, and resolved to be necessary here, Viz.

To do equall Law and Right to all the Kings Subjects rich and Poor and not to delay any Person of common Right for the Letters of the King the Lord Proprietary or of any other or for any other Cause, but if any such Letters come to them they shall Proceed to do the Law the same Letters notwithstanding.

And that a Copy of these Resolves be made and given to the said Committee when they first go out every Sessions, and that making and giving such Copies be the undoubted Duty of the Clerk of this House and within the Purveiw of his Oath.

Resolved also that this Province is [not] under the Circumstance of a conquered Country, That if it were the present Christian Inhabitants thereof would be in the Circumstance not of the Conquered but of the Conquerors; it being a Colony of the English Nation encouraged by the Crown to transplant themselves hither for the sake of emproving and Enlarging its Dominions which by the Blessing of God upon their Endeavours at their own Expence and Labour has been in great measure obtained.

And it is Unanimously resolved that whoever shall advance that p. 31 his Majesty's Subjects by such their Endeavours and Success have forfeited any Part of their English Liberties are ill wishers to the Country and mistake its happy Constitution

Resolved also that if there be any Pretence of Conquest it can only be supposed against the Native Indian Infidells, which supposition cannot be admitted because the Christian Inhabitants Purchased great Part of the Land they at first took up from the Indians as well as from the Lord Proprietary and have ever since continued in an amicable course of Trade with them except some

Partiall Outrages and Skirmishes which never amounted to a generall War much less to a Generall Conquest. The Indians yet enjoying their Rights and Priviledges of Treaties and Trade with the English of whom we yet frequently purchase their Rights of such Lands as we take up as well as of the Lord Proprietary.

Resolved further that this Province hath always hitherto had the common Law and such Generall Statutes of England as are not restrained by words of Locall Limitation in them and such Acts of Assembly as were made in the Province to suit its particular Constitution as the rule and Standard of its Government and Judicature such Statutes and Act of Assembly being subject to the like rules of Common Law or equitable Construction as are Used by the Judges in Construing Statutes in England; Which happy rules have by his Majesty and his Royall Ancestors and also by his Lordship and his Noble Ancestors or some of them been hitherto approved by haveing the Commissions of Judicature to include Directions of that Nature to the Severall and Judiciall Magistrates unless those words have at any Time been casually or carelessly omitted by the Officers in this Province that drew such Commissions. That therefore whoever shall advise his Lordship or his successors to govern by any Other rules of Government are Evill Councellors, Ill wishers to his Lordship and to our Present happy Constitution and intend thereby to infringe our English Liberties and frustrate in great measure the Intent of the Crown by the Originall Grant of this Province to the Lord Proprietary. p. 32

Resolved that for the future the Clerk of this House in all Proceedings in this House do sign his name as Clerk of the house of Delegates and in none other manner.

It being moved by a Member of this House to repeal the Acts prohibiting of Bread &c. Resolved upon the Question Put that a Bill be brought in to Repeal the said Act.

The House adjourns till to Morrow Morning 9 a Clock

Tuesday October 8th 1728. October 8

The House met this day according to Adjournment

The Members were called All Present as Yesterday.

Yesterdays Proceedings were read over.

The Petition of the Reverend Mr William Tibbs of Baltemore County referred here from the Upper House was read and rejected.

Ordered that a Bill be brought in to Supply the Deficiences of the Act Entituled an Act for the Encouragement of Learning and Erecting Schools within the severall Counties of this Province.

On Motion made whether the Gentlemen Practitioners of the Law returned as Delegates be Admitted to appear at the bar of this

L. H. J. p. 33 House as Councill. The Question being Put. Resolved Nemine Contradicente that they be not admitted to Plead at the Bar of this House.

Mr Ralph Crabb absent yesterday appeared in the House this Day.

Nicholas Lowe Esqr from the Upper house delivers to Mr Speaker the following Petitions indorsed as follows (Viz)

The Petition of Sarah Whitall thus Indors'd (Viz)

By the Upper House of Assembly October 8th 1728.

Read and referred to the Consideration of the Lower house of Assembly

Signed ꝑ Order. Geo. Plater Cl. Up: Ho:

The Petition of Samuel Stevens indorsed in the following manner (Viz)

By the Upper House of Assembly, Octr 8th 1728.

Read and referred to the Consideration of the Lower house of Assembly.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho.

The Petition of Thomas Worsley thus Indorsed (Viz)

By the Upper house of Assembly October 8th 1728.

Read and referred to the Consideration of the Lower house of Assembly.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho:

The Petition of John Nowell thus Indorsed, Viz.

By the Upper House of Assembly. October 8th 1728

Read and referred to the Consideration of the Lower House of Assembly.

Signed ꝑ order. Geo. Plater Cl. Up. Ho.

The Petition of Thomas Price thus Indorsed (Viz)

By the Upper House of Assembly October 8th 1728.

Read and referred to the Consideration of the Lower House of Assembly.

Signed ꝑ order. Geo. Plater Cl. Up. Ho:

The Petition of Mary Gordon thus Indorsed viz. L. H. J. p. 34

By the Upper House of Assembly October 8th 1728.

Read and referred to the Consideration of the Lower house of Assembly

Signed ꝑ Order. Geo: Plater Cl. Up. Ho.

The Petition of John Powell thus Indorsed viz.

By the Upper House of Assembly October 8th 1728

Read and referred to the Consideration of the Lower House of Assembly

Signed ꝑ Order Geo: Plater Cl. Up. Ho:

The Petition of Mary Gordon a Languishing Prisoner in Ann Arundell County Gaol referred here from the Upper house read and Ordered that leave be given to bring in a Bill for the Petitioners releife Prayed.

The Petition of Thomas Price a Languishing Prisoner in Ann Arundell County Gaol referred here from the Upper house read and ordered that Leave be given to bring in a Bill for the Petitioners releif as Prayed.

The Petition of Thomas Price a Languishing Prisoner in Ann Arundell County Gaol referred here from the Upper house read and ordered that Leave be given to bring in a Bill for the Petitioners releif as Prayed.

Daniel Dulany Esqr and Mr George are ordered to go and acquaint the Governor the house hath Prepared an Address to his Speech and desire to know if he is at Leasure to receive the Same. They return and acquaint the House they Delivered their Message and that the Governor is ready to receive the Address.

Whereupon Daniel Dulany Esqr Mr Crabb Mr George Mr Key Mr Harris Mr Jennings Mr Samuel Hanson, Major Perrie Collo Belt Mr Worthington Mr Knight and Mr Stoughton are ordered to Attend the Governour with the said Address they return and inform the House they did accordingly p. 35

The Petition of John Powell a Languishing Prisoner in the Gaol of Ann Arundell County referred here by the Upper house read and ordered that leave be given to bring in a Bill for the Petitioners releif as Prayed.

The Petition of John Nowell a Languishing Prisoner in the Gaol of Ann Arundell County referred here from the Upper house, read

L. H. J. and ordered that leave be given to bring in a Bill for the Petitioners releif as Prayed.

The Petition of Thomas Worsley a Languishing Prisoner in the Gaol of Ann Arundell County, Read and rejected.

Coll° Herman from the Committee of Elections and Priviledges makes the following Report Viz.

By the Committee of Elections and Priviledges, Octr 8th 1728

On Inspection into the Indentures of Robert Gordon Esqr a Member returned to this Assembly to serve for the City of Annapolis we find him duly elected according to Law.

The Inhabitants of the City of Annapolis having Preferred a Petition complaining of the undue Election of Edmund Jennings Esqr a member returned for the said City we on hearing the Allegations of both Parties thereon do find him duly elected according to Law.

Signed ꝑ Order. John Gibson Cl. Com. El.

Mr Robert Gordon to whom the Papers belonging to the Town Lands now in Dispute between the Heirs of Thomas Bardley Esqr deceased and the Inhabitants of the City of Annapolis were last Sessions delivered brings the same into the House and Lodges them with the Clerk.

p. 36 Coll° Belt from the Committee of Aggreivances and Courts of Justice delivers to Mr Speaker the following Report (Viz)

By the Committee of Aggreivances. October 8th 1728

Its humbly offered to this Committee as an Aggreivance that the Law entituled an Act for the better Administration of Justice in Testamentary Affairs granting Administrations, Recovery of Legacies securing filial Portions and Distribution of Intestates Estates is in Severall Parts defective as in Particular in one Part of that Law the Justices of the Severall County Courts are required to enquire yearly of the Security given by Guardians for Orphans Estates and if there be just Cause that they require new and better Security and upon refusall to give new and better Security that they remove the Orphans Estates out of their hands, but by that Law there's no Power or Directions given the said Justices how they shall Proceed to enforce their Order when they see Occasion to remove Orphans Estates.

Wherefore for this Defect and Severall others in the said Law being your Committee think it worthy for the House to take the said Law under Consideration.

Signed ꝑ Order. N: Hammond Cl. Com.

The Bill for repealing an Act Entituled an Act prohibiting the Importation of bread, beer, flower, Malt, Wheat, or other Indian or English Grain or Meale, horses, Mares Colts or Fillies from Pensilvania and the Territories thereto belonging. Read first and second Time by especiall order and will Pass. L. H. J.

The same is sent to the Upper House by James Hollyday Esq^r and M^r Robins who return and say they Delivered the same.

Ordered that Leave be given to bring in a Bill to better the Staple of Tobacco.

The Petition of Samuel Stevens referred here from the Upper House read and Ordered that leave be given to bring in a Bill for the Petitioners releif according to Prayer. p. 37

The House Adjourns till to Morrow Morning 9 a Clock.

Wednesday October 9th 1728. October 9

The House met this Day according to Adjournment.

The Members were called all present as Yesterday.

Yesterdays Proceedings were read over.

The Petition of Sarah Whitall referred here from the Upper House being read Ordered that the same be rejected.

On Reading the Petition of Christopher Bonfield a Languishing Prisoner in Calvert County Gaol Praying leave to bring in a Bill for his releif. Ordered that the Consideration thereof be referred till fryday next to the Intent Persons Concerned may have Notice.

On Reading the Petition of John Beale of Charles County Praying leave to bring in a Bill to enable Daniel Dulany Esq^r to Plead his Cause now depending in the High Court of Appeales between John Diggs Lessee Appellant and him as Defendant without his the said Dulany's Qualifying himself as Prescribed by the late Act relating to Attorneys

It was Ordered that leave be given to bring in a Bill accordingly.

This Day the House took into their Consideration the Report from the Committee of Aggreivances and Courts of Justice in relation to the Act for the better Administration of Justice in Testamentary Affairs Granting Administrations recovery of Legacies Securing filial Portions And Distribution of Intestates Estates, And Resolved to take the said Act into their Consideration p. 38

M^r John Magruder is added to the Committee of Laws.

The Petition of Sarah Massey of Philadelphia Widow being this day read Ordered that leave be given to bring in a Bill for the Petitioners releif as Prayed.

L. H. J. The Bill for the Releif of John Beale of Charles County Being read was ordered to be thus Indorsed Viz.

By the Lower House of Assembly October 9th 1728

Read first and Second Time by an especiall Order and will Pass.
Signed ꝑ Order. M. Macnemara Cl. Lo. Ho:

The same is Sent to the Upper House by Collo Fendall and Mr Courts who return and Say they Delivered it accordingly.

Phillip Lee Esqr from the Upper House delivers to Mr Speaker the following Petitions indorsed in Manner following (viz.)

The Petition of John Smith of Cecill County thus Indorsed viz.

By the Upper House of Assembly. October 9th 1728

Read and recommended to the Consideration of the Lower House of Assembly.
Signed ꝑ Order. Geo. Plater Cl. Up. Ho.

The Petition of Francis Garterill thus Indorsed (Viz)

p. 39 By the Upper House of Assembly, October 9th 1728.

Read and recommended to the Consideration of the Lower House of Assembly.
Signed ꝑ Order. Geo. Plater Cl. Up. Ho:

On reading the Petition of Francis Garterill of Ann Arundell County Praying leave to bring in a Bill to make valid in Law a Deed executed in 1718 (Omitted to be recorded) for a Tract of Land called Ropers Range. Ordered that leave be given to bring in a Bill as Prayed on Proving the Allegations in the Petition contained.

The Petition of Abel Van Burkeloe a Languishing Prisoner in the Gaol of Cecill County read and Ordered that Leave be given to bring in a Bill as Prayed.

Mr Speaker communicates to this House the Governors Answer to the Address of this House contained in the following Words (Viz.)

Gentlemen

I sincerely thank you for your Expressions of Kindness towards me I shall be always ready to Join with you in a faithfull Discharge of our Duties to our most gracious Sovereign to his Lordship the Lord Proprietary and to the People you represent, being really devoted to a Steady Pursuit of the Happyness and Glory of the Province of Maryland. L. H. J.

Bend^t Leon^D Calvert

Coll^o Belt from the Committee of Aggreivances and Courts of Justice makes the following Report viz: p. 40

By the Committee of Aggreivances October 9th 1728.

It's humbly offered by your Committee that the Aggreivances offered last Assembly relating to Proving Accounts against dead mens Estates may be taken now under the Consideration of the House.

Signed ꝑ order. Nic. Hammond Cl: Com.

Charles Calvert Esq^r from the Upper House delivers to M^r Speaker the following Message Viz. [The text of this message is printed at page 113.]

The House Adjourns till to Morrow Morning 9 a Clock.

Thursday October 10th 1728. October 10

The House met this day according to Adjournment.

The Members were called and all Present as yesterday.

Yesterdays Proceedings were read over.

The following Message being Prepared is Ordered to be Entred thus viz: [The text of this message is printed at page 113.]

This Message was sent by Major King and M^r Courts who return and acquaint the House with their Delivery thereof. p. 41

Ordered that Leave be given to bring in a Bill for the Naturalization of a Limited Number of foreign Protestants.

John Hall Esq^r from the Upper House delivers to M^r Speaker the following Message Viz. [The text of this message is printed at page 113.]

The following Message being Prepared is ordered to be Entred thus viz. [The text of this message is printed at page 114.]

Which Message was sent by Major King and M^r Courts who return and acquaint the House with their Delivery thereof. p. 42

Richard Tilghman Esq^r from the Upper House delivers to M^r Speaker the following Petitions Indorsed as follows Viz.

The Petition of John Stokes thus Indorsed. Viz.

By the Upper House of Assembly October 10th 1728

Read and referred to the Consideration of the Lower House of Assembly.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho.

L. H. J. The Petition of Thomas Jacks thus Indorsed (viz)

By the Upper House of Assembly October 10th 1728.

Read and referred to the Consideration of the Lower House of Assembly.

Signed ℘ Order. Geo. Plater Cl. Up. Ho.

p. 43 Collº Ward from the Upper House delivers to Mr Speaker the Bill Entituled an Act to repeal an Act Entituled an Act Prohibiting the Importation of Bread Beer flower Malt Wheat or other Indian or English Grain or Meal, horses Mares Colts or Fillies from Pensilvania and the Territories thereto belonging with the following Indorsement Viz.

By the Upper House of Assembly, October 8th 1728.

Read the first time and Ordered to Lie on the Table.

Signed ℘ Order. Geo: Plater Cl: Up: Ho.

And Indorsed thus Viz. [The text of this endorsement is printed at page 114.]

Mr George Robins having Pressing Occasions that require his Presence at home on his Application to the House hath leave given him to go.

The Bill Entituled an Act to repeal an Act entituled an Act Prohibiting the Importation of bread Beer, flower, Malt, Wheat, or other Indian or English Grain or Meal horses, Mares, Colts or Fillies from Pensilvania and the Territories thereto belonging being read was with the Amendments Proposed Passed for Ingrossing.

John Rousby Esqr from the Upper House delivered to Mr Speaker the Bill Entituled an Act for the releif of John Beale of Charles County with these Indorsements viz.

By the Upper House of Assembly October 9th 1728.

Read the first Time and Ordered to lie on the Table.

Signed ℘ Order. Geo. Plater Cl. Up. Ho.

p. 44 And with this Indorsement viz. [The text of this endorsement is printed at page 114.]

Which said Last Bill being read was with the Amendments Proposed Passed for Ingrossing.

Coll° Belt from the Committee of Aggreivances and Courts of Justice Delivers to M^r Speaker the following Petitions with the following Reports (Viz) L. H. J.

The petition of Thomas Cockey with this report Indorsed Viz.

By the Committee of Aggreivances October 10th 1728.

Which Petition being read and having heard the Petitioner to the Severall Allegations therein set forth your Committee are of Opinion that the Act of Assembly for limitting Officers fees that was in force at the time of Charging the fees mentioned in the said Petition gave the Sherriff but one Execution fee but by that Law the Intent thereof is that the Severall sherriffs shall have no more fees than for what shall appear to be the real Debt or Damages and altho there were three Judgments & Executions Issued thereon yet it was but one Debt and either Party Complying therewith the Execution ceased against the others and should Sherriffs be Suffered to take Execution fees against the Principall and Sureties it will be as your Committee take the Law; contrary to the true Intent and meaning thereof and thereby an Aggreivance to the Inhabitants of this Province

All which is humbly Submitted to the Consideration of the House

Signed ꝑ Order. Nic: Hammond Cl. Com.

And The Petition of Aquilla Hall with this Report Indorsed (Viz.) p. 45

By the Committee of Aggreivances October 10th 1728

Which Petition being read your Committee take that the Aggreivance complained of therein will be considered of when the Law Entituled an Act for the better Administration of Justice in Testamentary Affairs; Granting Administrations recovery of Legacies, Securing filial Portions and Distribution of Intestates Estates is taken under the Consideration of the house

Signed ꝑ Order. Nic: Hammond Cl: Com.

The Petition of James Williamson of Calvert County Clerk read and referred untill the next Sessions and ordered that all Persons concerned have notice thereof.

The House Adjourns till to Morrow Morning 9 a Clock.

Friday October 11th 1728. October 11

The House met according to Adjournment.

L. H. J. The Members were called and all were Present as Yesterday (except Mr George Robins)

Yesterdays Proceedings were read over.

Benjamin Tasker Esqr from the Upper House delivers to Mr Speaker the Petition of the Vestrymen Church Wardens and Inhabitants of Durham Parish in Charles County thus Indorsed Viz.

By the Upper House of Assembly October 11th 1728

Read and referred to the Consideration of the Lower House of Assembly.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho:

The Representation of the Justices of Prince Georges County concerning the Act relating to Servants and Slaves being read is referred to the Committee of Laws to Prepare a Bill to redress the aggreivance therein set forth.

p. 46 Mr James Donaldson was heard at the Bar of this House by William Cumming his Attorney on his Petition praying Leave to bring in a Bill to invest him with an Inheritance in fee Simple of and in a Piece of Ground lying in the City of Annapolis formerly laid out for a Custom house and took the Clients Oath prescribed by Law.

One of Mr Hemsleys Children, being dangerously ill he on his Application to the House hath leave given him to go home.

The Report of the Committee of Aggreivances concerning Collo Thomas Cockey's Petition being read the house Concur therewith.

The Petition of Mary Jenifer Praying an Allowance for so much as her deceased Husband was Entituled to as Clerk of the Lower House being read is referred to the Committee of Accounts to make the allowance as Prayed for.

The Petition of the Inhabitants of Kent County in Relation to the Election of Captain Ebenezer Blackistone was read and referred to the Committee of Elections and Priviledges.

The house Adjourns till to Morrow Morning 9 a Clock

October 12 Saturday October 12th 1728.

The House met this Day according to Adjournment.

The Members were called all were Present as Yesterday except Mr William Hemsley, Yesterdays Proceedings were read over.

The Commissioners appointed last Assembly to Examine Evidences relating to the Lands in and contiguous to the City of Annapolis make their return and lodge it with the Clerk.

The Ingrossed bill entituled an Act for the releif of John Beale L. H. J. of Charles County thus Indorsed Viz.

By the Lower House of Assembly October 12th 1728.

Read and Assented to. p. 47

Signed ꝑ Order. M. Macnemara Cl. lo. ho.

Was sent to the Upper house by Mr Samuel Hanson and Mr Courts who return and say they delivered the same.

The Petition of Edward Parish of Ann Arundell County Praying leave to bring in a Bill to enable him to record a Deed dated the 13th of August 1688 made by John Waters and Richard Gott Exrs of Thomas Pratt to a Certain Robert Wade till now omitted to be recorded read and leave given to bring in a Bill as Prayed.

The Petition of Saint Anns Parish in Ann Arundell County Praying leave to bring in a Bill to make an Assessment for the Reparation of the Church in the said Parish and building of a Chappell, being read the Question was Put whether the Publick should contribute to the reparation of the Church in Saint Anns Parish in Ann Arundell County and building of a Chappell. Resolved in the Negative.

Whereupon the following Indorsement was made Viz.

By the Lower House of Assembly October 12th 1728.

Read and Leave given to bring in a Bill provided the Inhabitants of Saint Anns Parish bear the whole Charge of enlarging the Church as well as building a Chapple.

Signed ꝑ Order. M. Macnemara Cl. Lo. Ho.

Nicholas Lowe Esqr from the Upper House delivers to Mr Speaker the Paper bill of John Beale of Charles County thus Indorsed viz.

By the Upper House of Assembly October 12th 1728.

The Ingrossed Bill whereof this is the Originall is read and Assented to by this House.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho:

John Beale Esqr from the Committee of Accounts delivers to Mr p. 48 Speaker John Caldwells Account for Arrears of rent due to him for Lands bought by the Country for the use of the Indians, in

L. H. J. order to have the Directions of the House therein which Account being read the following Indorsment is made thereon Viz.

By the Lower House of Assembly October 12th 1728.

Which Accounts being read It is ordered that the Committee of Accounts allow the same.

Signed ꝑ Order. M. Macnemara Cl. Lo: Ho.

The following Message being Prepared is Ordered to be Entred thus Viz. [The text of this message is printed at page 115.]

Sent to the Upper house by Mr Samuel Hanson and Mr Knight who return and say they delivered the same.

The Petition of Jonathan Covill of Prince Georges County Praying Leave to bring in a bill to confirm his Title to one hundred Acres of Land Part of a Tract of Land called Cheneys Adventure lying in the County aforesaid. Read and leave given to bring in a Bill according to the Petitioners Prayer, on Proving the Allegations therein Contained.

p. 49 The Petition of the Inhabitants of Elkridge in Ann Arundell County praying leave to bring in a Bill to make a new Parish read and granted as Prayed.

Collo Herman from the Committee of Elections and Priviledges makes the following report (viz.)

By the Committee of Elections and Priviledges October 12th 1728.

We of the Committee having duly examined the Indentures of the severall Members returned to serve this Sessions do make the following report thereon, Viz.

For Saint Marys County, Collo Thomas Trueman Greenfield Mr Thomas Waughop Mr Phillip Key and Mr John Young we find duly Elected.

For Charles County, Major Robert Hanson Collo John Fendall Mr John Courts and Mr Samuel Hanson we find duly Elected.

For Calvert County. Collo John Mackall, Mr Benjamin Mackall Mr Walter Smith and Major Adderton Skinner we find duly Elected.

For Prince Georges County. Mr John Magruder Major Samuel Perrie Mr Ralph Crabb and Collo Joseph Belt we find duly Elected.

For Ann Arundell County. John Beale Esqr Daniel Dulany Esqr Mr Richard Wharfield, and Mr Thomas Worthington we find duly Elected.

For Baltemore County. Mr William Hambleton Mr Daniel Scott Mr Thomas Tolley and Mr Roger Matthews we find duly Elected.

For Cecil County. Mr Thomas Johnson Junr Collo Ephraim Augustine Herman Mr Stephen Knight and Mr Joshua George. We find duly Elected.

For Queen Anns County. M^r^ Augustine Thompson. Capt^n^ William Elliott M^r^ William Hemsley and Major William Turbutt we find duly Elected. L. H. J.

For Talbott County. James Hollyday Esq^r^ M^r^ George Robins M^r^ Samuel Chamberlain and M^r^ John Edmundson We find duly Elected.

For Somersett County. Major Robert King Lieuten^t^ Coll^o^ Levin Gale Cap^n^ George Dashiel and William Stoughton Esq^r^ we find duly Elected.

For Dorchester County. M^r^ John Brannock M^r^ Peter Taylor and M^r^ John Kirk we find duly elected, but the Sherriff hath not Complyed with the Duty of his Office in making return of the writ of Election According to the Tenour thereof and we having received a Petition from Sundry of the Inhabitants of Dorchester County p. 50 complaining of the undue Election of Coll^o^ William Ennalls a Delegate returned for the said County and having examined the Sundry Evidences to us produced relating thereto and maturely Considered the same do find that the said Coll^o^ William Ennalls is not duly Elected and that the said Sherriff hath been Partiall and remiss in his Duty with respect thereto All which we humbly referr to the Consideration of the House.

Signed ꝑ Order. John Gibson Cl. Com:

Which being read the House unanimously concur with the said Report Thereupon. Coll^o^ William Ennalls is Acquainted by M^r^ Speaker that he is not any longer a Member of this House and is discharged from further Attendance.

Ordered that a Warrant be Issued to the Secretary to Prepare a New Writ of Election to the Sherriff of Dorchester County to Elect a New Member in the stead of Coll^o^ William Ennalls who for his undue Election is dismissed this House.

M^r^ Isaac and M^r^ John Nicholls take the Clients Oath in relation to the Petition of Vincent Lowe and Elizabeth his wife, which they appear to as Defendants.

M^r^ Richard Bell qualified himself at the Bar of this House as an Attorney by taking the Oath Prescribed by Law.

Ordered that the Petition of Vincent Lowe be heard at the Bar of this house on Tuesday next come Sevennight.

The House adjourns till to Monday Morning 9 a Clock.

Munday October 14th 1728. October 14

The House met this day according to Adjournment p. 51

The Members were Called and all were Present as on Saturday the Proceeding of last Saturday were read over

L. H. J. Mr William Hemsley appears in the House.

The Petition of John Smith late Sherriff of Cecil County read and rejected.

The Petition of Christopher Bonfield a Languishing Prisoner in Calvert County Read and granted as Prayed and ordered that by a Clause in the Bill in his favour it be incerted that he be allowed fifteen years to Pay his Debts.

Mr Gordon Mr Beale, Major Turbutt, and Major Robert Hanson are appointed to go and view the Ground appropriated for a Custom house, in the City of Annapolis and that they report to this House what Quantity of Ground there is and how it is scituated.

Ordered that the Committee of Aggreivances get a Copy of the decision made in King Williams Reign between the Secretary and County Clerks of this Province and that they lay the same with their Report thereon before this House.

The House having taken into Consideration the Misbehaviour of Mr James Woolford the sherriff of Dorchester County in the Election of Collo William Ennalls Lately returned as a Member to serve in this House and expelled the same because unduly Elected And the said Sherriff being heard at the Bar of this house in his own Defence It appears to this House that the said Sherriff misbehaved himself, But the house takeing into their Consideration that the said Sherriff hath a large family and is but in mean Circumstances, there-
p. 52 fore in Compassion to his family fine him only five Pounds Current Mony, And Order That he Acknowledge his offence at the Bar of this House and that he Pay the Charges of the Witnesses that attended against him to be Assessed by the Committee of Elections and Priviledges and the Severall fees due to the Officers of this house

The said Sherriff in Custody of the Serjeant at Arms was brought at the Bar of this House and being Acquainted by Mr Speaker with the Resolution of this house in relation to him made his Submission thereto and Acknowledged his fault and the Lenity of the House.

The Ingrossed Bill Entituled an Act to repeale an Act Entituled an Act prohibiting the Imposition of Bread &c from Pensilvania and the Territories thereto belonging being read was thus Indorsed viz:

October 12th 1728.

Read and Assented to by the Lower House of Assembly
Signed ℘ Order. M. Macnemara Cl. Lo. Ho.

And sent to the Upper House by Mr Thomas Worthington and Mr Edmundson who return and say they Delivered the same

Charles Calvert Esqr from the Upper House delivers to Mr Speaker the Paper Bill Entituled an Act to repeale an Act Entituled an Act Prohibiting the Importation of Bread &c. Indorsed in this Manner Viz. L. H. J.

By the Upper house of Assembly October 14th 1728.

The Ingrossed bill whereof this is the Originall is read and Assented to by this House.

Signed ꝑ Order. Geo. Plater Cl. Up: Ho:

Daniel Dulany Esqr from the Committee of Laws brings in the Bill Entituled an Act for emproving the Staple of Tobacco which was read the first time and ordered to lie on the Table.

The Question being Put whether the Delegates Allowance should be reduced or not resolved in the Affirmative. p. 53

The Question being Put whether the Reduction should be absolute or Conditional that a Tobacco Law passed. Resolved the Reduction be Absolute

The Question being Put whether the Delegates Allowance should be reduced to one hundred Pounds of Tobacco ꝑ Diem or not. Resolved in the Affirmative.

The Question being Put whether the Allowance of the severall County Justices should be Taxed in the usuall manner or on the Suitors of the County Courts. Resolved that it be by Taxation on the Suitors.

Resolved that the Provincial Justices Allowance be reduced to 100lb Tobacco pr diem.

The House Adjourns till to Morrow Morning 9 a Clock.

Tuesday October 15th 1728. October 15

The House met this Day according to Adjournment. The Members were called all were Present as Yesterday. The Proceedings of Yesterday were read over.

The following Message being Prepared was ordered to be Entred in the following words viz. [The text of this message is printed at page 116.]

Which Message was sent to the Upper House by James Harris Esqr John Beale Esqr Mr Samuel Hanson and Major Robert King who return and say they Delivered the same. p. 54

The Petition of Peter Hume being read, It is ordered that a Clause be incerted in the Bill for the releif of Christopher Bonfield a languishing Prisoner in Calvert County that the Petitioner be not debarred of an Action of Escape against the sherriff of the said County if any he had before the said Christopher Bonfields Petition for releif was granted p. 55

L. H. J. Edward Harris of Queen Anns County having employed M^r^ Cumming an Attorney at Law to Speak at the Bar of this House to a Petition of his the said Harris took the Clients Oath Prescribed by Law. The Petition of Edward Harris being read It is ordered that Leave be given to bring in a Bill as Prayed.

The Petition of Thomas Jacks a Languishing Prisoner in Ann Arundell County Gaol read and rejected.

Ordered that no Petition be received in this House after Thursday next.

The Petition of Coll° Ephraim Augustine Herman of Cecil County being read Leave is given to bring in a Bill as Prayed.

Coll° Herman from the Committee of Elections and Priviledges delivers to Mr Speaker the following Report viz.

By the Committee of Elections and Priviledges October 15th 1728.

We of the Committee (Pursuant to the Order of the House) having considered the Expences of the Severall Evidences Attending this Committee in relation to the undue Election of Coll° William Ennalls do assess and think reasonable that the ten Evidences Produced by the Petitioners (to wit) Coll° John Ryder Mr Thomas Nevett John Hodson 2dus Mr Walter Campbell Mr Tobias Pollard Mr David Peterkin Mr Philemon Lecompte, Patrick Braughane William Dulany and Thomas Brannock be allowed thirty six Pounds of Tobacco ꝑ Day to each Person for three days Attendance and the same Sum pr day to each Person for four days itinerant Charges amounting to two hundred and fifty two Pounds of Tobacco ꝑ man and in the whole two thousand five hundred and twenty Pounds of Tobacco which we Submit to the Consideration of the house

Signed ꝑ Order. John Gibson Cl. Conl.

p. 56 On reading this Report the house unanimously Concur therewith.

Coll° Belt from the Committee of Aggreivances delivers to Mr Speaker the following report viz.

By the Committee of Aggreivances October 15th 1728

Its humbly offered to this Committee as an Aggreivance that there is no Provision made by the Act of Assembly entituled an Act for the Establishment of religious Worship within this Province according to the Church of England and for the Maintenance of Ministers for the fining Vestrymen when chosen that shall refuse to Serve, and further there's no direction given by that Law how the fines therein Mentioned shall be recovered All which is humbly Offered by your Committee to the Consideration of the house.

Signed pr Order. Nic. Hammond Cl. Conc.

The House adjourns till to Morrow Morning 9 a Clock.

Wednesday October 16th 1728. L. H. J. October 16

The House met this day according to Adjournment. The Members were called all were Present as Yesterday except Mr William Stoughton and Mr Richard Wharfield. The Proceedings of Yesterday were read over.

Coll° Tilghman and Charles Calvert Esqrs from the Upper house deliver to Mr Speaker the following Message Viz. [The text of this message is printed at page 117.]

Mr Crabb, James Hollyday Esqr and Mr Joshua George are appointed a Committee to examine into the severall Petitions in relation to the better Support of the Rector of William and Mary Parish in Charles County. p. 57

The House having taken into their Consideration the Report from the Committee of Aggreivances in relation to the Act for the Establishment of religious Worship unanimously concur therewith.

The Bill for releif of Edward Parrish of Ann Arundell County by the Lower House of Assembly October 16th 1728 read first and Second Time by an especial Order and will Pass.

Signed ꝑ order. M. Macnemara Cl. Lo. Ho.

Sent to the Upper House by Mr Worthington and Mr Hemsley who return and say they Delivered the Same

Mr Crabb from the Committee appointed to examine into the Severall Petitions relating to the better support of the Rector of William and Mary Parish in Charles County delivers to Mr Speaker the following Report viz.

October the 16th 1728.

By the Committee appointed to examine into the Severall Petitions in relation to the better Support of the Rector of William and Mary Parish in Charles County.

Forasmuch as we of the Committee find it Impracticable at Present to regulate the Severall Parishes In Charles and Saint p. 58 Marys Countys and that we are of opinion there will shortly be a necessity for the same and the Rector of William and Mary Parish in Charles County having but a Small Support we think it reasonable that Six thousand Pounds of Tobacco be yearly Paid to the Rector of the said William and Mary Parish for the Time being by the Sherriff of Charles County which Six thousand Pounds of Tobacco is to be deducted out of the forty ꝑ Poll arising due from the Inhabitants of Port Tobacco Parish in the said County. And as a farther Support to the said Rector of William and Mary Parish; we think it reasonable that the sherriff of Charles County shall Yearly Pay to the said Rector of William and Mary Parish six thousand Pounds of Tobacco out of the forty ꝑ Poll arising due

L. H. J. from the Inhabitants of Newport Hundred in Charles County and that the Sherriff of S^t^ Marys County shall yearly Pay to the Rector of King and Queen Parish in Saint Marys County three thousand Pounds of Tobacco out of the forty ꝑ Poll arising due from the Inhabitants of William and Mary Parish in Saint Marys County. All which we humbly refer to the Consideration of the House

Signed ꝑ Order. John Gibson Cl. Com.

Which report being read the house Concur therewith.

M^r^ Walter Smith hath leave of the house to go home his wife being ill

A Bill for the Releif of Sarah Massey of the City of Philadelphia read and Indorsed thus, viz.

p. 59 By the Lower House of Assembly October 16th 1728

Read first and Second Time by especiall Order and will pass

Signed ꝑ order M. Macnemara Cl. Lo. Ho.

Sent to the Upper House by M^r^ Crabb and M^r^ Waughop who return and say they delivered the same.

The House Adjourns till to Morrow Morning 9 a Clock

October 17 Thursday October 17th 1728

The House met this Day according to Adjournment

The Members were called all were present as Yesterday except M^r^ Walter Smith.

The Proceedings of Yesterday were read over

M^r^ Wharfield and M^r^ Stoughton appear in the house this Day

The petition of William Vernon and Keysar Knighton both of Ann Arundell County read and referred till the next Sessions and Ordered that all Persons concerned have due Notice.

The Petition of William Rayman of the City of Annapolis praying Leave to bring in a Bill for his Naturalization read and granted on his taking the Severall Oaths to the Government required by Law

Nicholas Lowe Esq^r^ from the Upper House delivers to M^r^ Speaker the Bill for the Releif of Sarah Massey of the City of Philadelphia thus Indorsed Viz.

By the Upper House of Assembly October 16th 1728.

Read the first Time and Ordered to lie on the Table.

Signed ꝑ Order. Geo. Plater Cl: Up: Ho:

And thus Indorsed Viz. L. H. J.

By the Upper house of Assembly October 17th 1728.

Read the Second Time and will Pass.

Signed ꝑ Order Geo: Plater Cl. Upr Ho.

An Act for the releif of Sarah Massey of the City of Philadelphia was read and thus Indorsed Viz. p. 60

By the Lower House of Assembly October 17th 1728.

Read and Passed for Ingrossing.

Signed ꝑ order M Macnemara Cl. Lo: Ho:

Mr George from the Committee of Laws delivers to Mr Speaker a Bill Entituled a Supplementary Act to the Act Entituled an Act relateing to Servants and Slaves which said Bill was read the first and second Time by an Especial Order and will Pass

Signed ꝑ Order. M. Macnemara Cl. Lo: Ho:

Sent to the Upper House by Mr John Magruder and Major Samuel Perrie who return and acquaint the house they delivered the same.

The Question being Put whether an Enquiry made into the Severall facts charged against Mr John Brannock a Member of this House or not. Resolved in the Affirmative.

The House Adjourns till to Morrow Morning 9 a Clock.

Friday October 18th 1728. October 18

The House met according to Adjournment. The Members were called all were Present as Yesterday. Yesterdays Proceedings were read over

The Petition of Joshua Doyne of Saint Marys County read and rejected.

The Petition of Francis Mercer of Sommersett County read and granted as Prayed.

John Hall Esqr from the Upper House delivers to Mr Speaker the Bill Entituled a Supplementary Act to the Act Entituled an Act relating to Servants and Slaves thus Indorsed Viz. p. 61

By the Upper House of Assembly October 17th 1728

Read the first time and ordered to lie on the Table.

Signed pr Order. Geo. Plater Cl: Up: Ho:

L. H. J. And thus Viz:

By the Upper House of Assembly October 18th 1728.

Read the second Time and will Pass.

Signed pr Order. Geo. Plater Cl. Up: Ho:

A Bill for the Support of the Rector of William and Mary Parish in Charles County being read was ordered to be Indorsed thus Viz.

By the Lower House of Assembly October 18th 1728.

Read the first and second Time by an Especiall Order and will Pass.

Signed ꝑ Order. M. Macnemara Cl. Lo. Ho.

Sent to the Upper House by Collo Fendall and Mr Courts who return and Inform the House they Delivered the same.

The Bill Entituled a Supplementary Act to the Act Entituled an Act relating to Servants and Slaves.

By the Lower house of Assembly October 18th 1728

Read and Passed for Ingrossing.

Signed ꝑ Order M. Macnemara Cl. Lo: Ho:

Collo Herman from the Committee of Elections and Priviledges delivers to Mr Speaker the following report (viz)

By the Committee of Priviledges and Elections October 18th 1728

We of the Committee having inspected and duly examined the p. 62 Indentures of James Harris Esqr Mr Phillip Kennard and Mr George Willson three of the Members returned to serve this Sessions for Kent County do find them duly elected. And we having received a Petition from Sundry the Inhabitants of Kent County complaining of the undue Election of Captain Ebenezer Blackistone and having heard the Allegations of both Parties and taken the Depositions of the Evidences to us Produced relating thereto do find that the Contest lay between Captain Ebenezer Blackistone and Mr John Johnson and that the said Captain Blackistone carried the Election by one Voice (which if the Sherriff allowed the Votes of Messrs William Nicholson and James Calder two of the Evidences must have been determined in favour of Mr Johnson. But Your Committee is of Oppinion that the said Mr James Calder was not Entitled to Vote at the said Election, And it being a Doubt with Your Committee whether the said William Nicholson was qualified to Vote, and also for that Nicholas Waterman one of the Persons Scrutinized and allowed on the Poll for Captain Blackistone was afterwards allowed on the Poll for Mr Johnson, which we think ought not to be Allowed, but that the said Nicholas Waterman should only Stand good on the Poll of the said Captain Blackistone being first Scrutinized for him, Therefore we are further of opinion that should the voice of the said William Nicholson be allowed good Captain Ebenezer Blackistone is duly Elected. All which we humbly Submit to the Consideration of the House. L. H. J.

Signed pr Order. John Gibson Cl. Com.

Which Report being read the house concur therewith and thereupon are of opinion that Captain Ebenezer Blackistone is justly Entitled to sit in this House to serve as a Delegate for Kent County.

Mr George from the Committee of Laws delivers to Mr Speaker a Bill Entituled an Act empowering the Justices of Calvert County to finish the Court house of that County by an Assessment on the Inhabitants thereof. As also for the Releif of John Critchard and William Kidd two of the Builders of the said Courthouse; which being read was Ordered to be thus Indorsed (Viz). p. 63

By the Lower house of Assembly, October 18th 1728

Read first and second Time by an Especiall order and will Pass.

Signed ꝑ Order. M. Macnemara Cl. Lo. Ho.

Sent to the Upper [House] by Major Adderton Skinner and Mr William Hemsley who return and acquaint the House they delivered the same.

A Bill Entituled an Act to confirm two Deeds of Sale the one from George Oldfield and Petronella his Wife and the other from Richard Carr son and heir at Law to a Certain John Carr of Cecil County deceased to Casparus Augustine Herman; being read was ordered to be indorsed in the following manner Viz.

By the Lower House of Assembly October 18th 1728

Read, first and Second time by an Especiall Order and will Pass.

Signed ꝑ Order. M. Macnemara Cl. Lo. Ho:

Sent to the Upper House by Mr Johnson and Mr Knight who return and acquaint the house they delivered the same.

Ordered that a Bill be brought in to Encourage the Destruction of Squirrells and that Collo Gale & James Hollyday Esqr Prepare the same. p. 64

The House adjourns till to Morrow Morning 9 a Clock

L. H. J. October 19

Saturday October 19th 1728

The House met according to Adjournment. The Members were called and all were Present as Yesterday. The Proceedings of Yesterday were read over.

A Bill entituled an Act to cut of the Entail of a tract of Land devised by Edward Harris deceased to his sons Edward and Thomas Harris of Queen Anns County and to confirm unto the said Thomas Harris one hundred and fifty Acres Part of the afd tract of Land untill the said Thomas is of Age and his Brother Edward Purchases for him one hundred and fifty Acres in Lieu thereof, being read is ordered to be Indorsed thus (Viz).

By the Lower House of Assembly October 19th 1728

Read first and second time by an Especiall Order and will Pass.

Signed ꝑ Order. M. Macnemara Cl. Lo. Ho.

Sent to the Upper House by Mr Thompson and Mr Hemsley who return and acquaint the House they delivered the same.

John Rousby Esqr from the Upper House delivers to Mr Speaker the Bill entituled an Act to confirm two Deeds of Sale the one from George Oldfield and Petronella his Wife and the other from Richard Carr son and heir at Law to a Certain John Carr of Cecil County deceased to Casparus Augustine Herman thus Indorsed Viz.

By the Upper house of Assembly October 18th 1728.

Read the first time and ordered to lie on the Table.

Signed ꝑ Order. Geo. Plater Cl. Upr Ho:

p. 65 And thus Viz.

By the Upper house of Assembly October 18th 1728.

Read the Second time and will Pass

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

Which Bill being read here was Passed for Ingrossing.

The Gentlemen appointed to view the Ground laid out for a Custom house in the City of Annapolis deliver to Mr Speaker the following report (Viz).

We the Subscribers in Obedience to the Order of the Honourable the Lower House of Assembly appointing us to view the Ground laid out in the City of Annapolis to build a Custom house on and for other Publick Uses having measured the Length and breath of the same do find it to be three hundred and Sixty feet in Length two hundred and Ten feet in breadth on the Water and eighty two at the head which in our Opinion is not sufficient for Publick buildings convenient Streets &c. and to afford any part of the said Ground for the use of Mr James Donaldson as by him Prayed for all which we submit to the Consideration of the house. L. H. J.

William Turbutt, Robert Hanson, Robert Gordon

October 19th 1728

The Ingrossed Bill, entituled a Supplementary Act to the Act Entituled an Act relating to Servants and Slaves.

By the Lower House of Assembly October 19th 1728.

Read and Assented to.

Signed ℘ Order M. Macnemara Cl. Lo: Ho:

Sent to the Upper House by Mr Hamilton and Mr Edmundson who return and say they delivered the same p. 66

It was Proposed by a Member of this House that a Bill be brought in to discover the Severall Crimes Felons transported into this Province pursuant to the Act of Parliament have been Convict of and to discover Convicts. And it was unanimously Ordered by the House that a Bill be brought in as Proposed and that the Committee of Laws prepare the same.

Mr Key from the Committee of Laws delivers to Mr Speaker a Bill Entituled an Act for the Laying out Land and erecting a Town in Saint Marys County at a Place called Seymour town which said Bill was read the first time and ordered to lie on the Table.

Mr Jennings from the Committee of Laws delivers to Mr Speaker a Bill entituled a Supplementary Act to the Act Entituled an Act for the Establishment of religious Worship in this Province according to the Church of England and for the maintenance of Ministers.

Resolved that an Enquiry be made into severall Deeds suspected to be forged by William Van Haes Dunk Riddlesden als Cornwallis at the next Sessions of Assembly and Ordered that an Advertisement of this Resolution be Published in the Gazette of this Province in order that those Persons who apprehend themselves in any manner concerned in Point of Interest or otherwise may have Notice.

Mr George Robins appears in the House this day Collo Gale and James Hollyday Esqr bring into the house a Bill Entituled an Act to Encourage the destroying of Wolves Crows and Squirrells.

James Harris Esqr delivers Mr Speaker the Report from the Conferrees appointed to inspect the Publick Officers fees. Benjamin Tasker Esqr from the Upper house Delivers to Mr Speaker the p. 67

L. H. J. Paper Bill Entituled a Supplementary Act to the Act entituled an Act relating to Servants and Slaves thus Indorsed Viz.

By the Upper House of Assembly October 19th 1728.

The Ingrossed Bill whereof this is the Originall is read and Assented to by this house.

Signed ꝑ Order. Geo: Plater Cl. Up: Ho:

And the Bill entituled an Act for the better Support of the Rector of William and Mary Parish in Charles County indorsed thus

By the Upper House of Assembly October 18th 1728.

Read the first time and Ordered to lie on the Table.

Signed ꝑ Order. Geo: Plater Cl: Up: Ho:

And thus.

By the Upper House of Assembly October 19th 1728.

Read a Second Time and will not pass.

Signed ꝑ Order. Geo. Plater Cl: Up: Ho:

Collº Richard Tilghman from the Upper House delivers to Mr Speaker the following Message Viz. [The text of this message is printed at page 120.]

p. 68 Resolved upon the Question whether the Severall fees mentioned in the report of the Committee of both houses be Sufficient Compensation for the Services to be done for the said fees, Nemine Contradicente That the said fees are Sufficient Compensation for the said Services.

The Bill Entituled a Supplementary Act to the Act Entituled an Act relating to Servants and Slaves being read was past for ingrossing.

The House adjourns till Monday Morning 9 a Clock

October 21 Monday October 21st 1728.

The House met according to Adjournment, The Members were called and all were Present as on Saturday.

The Proceedings of Saturday were read over.

The following Message being prepared was Ordered to be Entred thus (viz.) [The text of this message is printed at page 126.]

p. 69 This Message was sent to the Upper House by James Hollyday Esqr and Mr George Robins who return and say they delivered the same.

The following Bill of Cost was brought into the House and read L. H. J.
in the following words viz:

June Court 1728.

E I. Samuel Chew ag^{t} I. G. Nicholas Day	Copy Cost N^{o} 6 Cap^{s} 14. Sherr 45 Decl & Copy 112.	171
	To fil protest 24 Ent. Clients Cert. 12	36
	To Ent. Cap^{s} & ret 9 Amercement 4	13
	To Ent. appe. 5 rul for baile 4	9
	To Ent. Comm. 4 Rule to Plead 4.	8
	To Ent. Sig. Judgm^{t} 24 Discharge of Committm^{t} 4.	28
	To fil Cost 7 and Copy 7.	14
	To Attorneys fee	100
		379

Vera Copia p^{r} John Stokes Cl:

On the back of which Bill of Cost there was the following Receipt, viz. p. 70

Received the within Cost of John Baldwin it being due for Charges on a Suit brought against me for a Protested bill of Exchange which I Indorsed being drawn by John Onchterlony. I say rec^{D} ꝑ me

Nicholas Day.

8th July 1728.

The House having taken into Consideration the foregoing bill of Cost between Samuel Chew Plantiff and Nicholas Day Defendant unanimously agree that the Same is illegally charged and exacted, the severall Articles not being Charged according to the regulation of Officers fees in 1725 and the Particular Articles of filing Protest 24 and Entring Clients Certificate 12 being wholly extortionate there being no foundation in Law or Justice whereon to ground the same Wherefore this house resolves that the Clerk of Baltemore County hath been guilty of extortion and order, the Attorney Gen^{ll} of this Province to Prosecute him for the Same. And that the Clerk of this House deliver to the Attorney Generall or the Person who shall Prosecute his Lordships Pleas at next Baltemore County Assizes a Copy of this Order.

Ordered that the Committee of Accounts receive no Account after Thursday next.

L. H. J. Coll° Gale and James Hollyday Esqʳ are ordered to prepare a Supplementary bill to the Act Entituled an Act for releiving the Inhabitants of this Province from some Aggrievances in the Province of Suits at Law.

The House having taken into their Consideration the Report p. 71 from the Conferrees appointed to regulate Officers fees approve the same Coll° Gale and James Hollyday Esqʳ having Prepared a bill Entituled a Supplementary Act to the Act Entituled an Act for releiving the Inhabitants of this Province from some aggreivances in the Prosecutions of Suits at Law deliver the same to Mʳ Speaker

Phillip Lee Esqʳ from the Upper house delivers to Mʳ Speaker the following Message (Viz.) [The text of this message is printed at page 121.]

The Bill Entituled an Act to encourage the Destroying of Wolves Crows and Squirrells being read was ordered to be thus Indorsed (Viz)

By the Lower House of Assembly October 21ˢᵗ 1728.

Read the first and second time by an especiall Order and will Pass.

Signed ꝑ Order M. Macnemara Cl. Lo. Ho:

Sent to the Upper House by James Hollyday Esqʳ and Mʳ Courts who return and Say they delivered the same.

p. 72 Nicholas Lowe Esqʳ from the Upper House delivers to Mʳ Speaker the following Message (Viz.) [The text of this message is printed at page 121.]

The Bill Entituled an Act for laying out Land and erecting a Town in Saint Mary's County being read was Ordered to be Indorsed thus.

By the Lower House of Assembly October 21ˢᵗ 1728

Read the second time and will pass.

Signed ꝑ Order. M. Macnemara Cl. Lo: Ho:

Sent to the Upper House by Captain Waughop and Key who return and say they delivered the same.

The following Message being prepared was ordered to be entred thus, [The text of this message is printed at page 123.]

p. 73 The said Message was sent to the Upper House by John Beale Esqʳ and Mʳ Chamberlain who return and say they delivered the same.

The Bill Entituled an Act for Destroying Bears in Somerset County being read was ordered to be thus Indorsed (Viz) L. H. J.

By the Lower House of Assembly, October 21st 1728

Read first and second time by an Especiall Order and will pass

Signed ℘ Order. M. Macnemara Cl. Lo. Ho:

Sent to the Upper house by Mr Dashells and Mr Stoughton who return and say they delivered the same.

John Hall Esqr from the Upper House delivers to Mr Speaker the following Message (Viz.) [The text of this message is printed at page 122.]

Ordered that the Committee of Laws prepare a bill to ascertain the Oath of Judge or Justice p. 74

The Ingrossed Bill Entituled an Act for the releif of Sarah Massey of Philadelphia Widow was read and Assented to by this house and sent to the Upper house by Mr Matthew and Mr Tolley who return and say they delivered the same.

Collo Tilghman from the Upper House delivers to Mr Speaker the Paper bill Entituled an Act for the releif of Sarah Massey of Philadelphia thus Indorsed (Viz)

By the Upper House of Assembly October 21st 1728

The Ingrossed bill whereof this is the Originall is read and Assented to by this House.

Signed ℘ Order. Geo. Plater Cl: Up: Ho:

The House Adjourns till to Morrow Morning 9 a Clock.

Tuesday October 22d 1728. October 22

The House met according to Adjournment the Members were Called and all were Present as Yesterday. Mr Walter Smith appears in the house this day. The following Message being prepared is ordered to be entred thus, Viz. [The text of this message is printed at page 124.]

Sent to the Upper house by Mr Crabb and Mr Thompson who return and say they Delivered the same. p. 75

James Harris Esqr from the Committee of Laws delivers to Mr Speaker a Bill Entituled an Act to prevent the abuses of concealing Convicted felons and other offenders imported into this province and for the better Discovery of them.

Collo Ward and John Rousby Esqr from the Upper House deliver to Mr Speaker the following Message (viz.) [The text of this message is printed at page 124.]

L. H. J. p. 77 Coll° Gale, James Hollyday Esq^r^ and Major Robert King are appointed to Prepare a Supplementary Bill to the Act for the better Administration of Justice in Testamentary Affairs, granting Administrations Recovery of Legacys securing filial Portions and Distribution of Intestates Estates and that they employ a Clerk.

Benjamin Tasker Esq^r^ from the Upper house delivers to M^r^ Speaker the Bill for laying out of Land and erecting a Town in Saint Marys County at a Place formerly called Seymour Town indorsed thus (viz)

By the Upper House of Assembly October 21^st^ 1728

Read the first Time and ordered to lie on the Table.

Signed p^r^ Order. Geo: Plater Cl: Up: Ho:

And thus,

By the Upper House of Assembly October 22^d^ 1728.

Read the second time and will pass

Signed p^r^ Order. Geo: Plater. Cl: Up: Ho:

And the Bill for Distroying Bears in Somerset County thus indorsed (viz.)

By the Upper House of Assembly October 21^st^ 1728.

p. 78 Read the first time and ordered to lie on the Table.

Signed ꝑ order. Geo: Plater Cl: Up: Ho:

And (thus)

By the Upper house of Assembly October 22^d^ 1728.

Read the second time and will pass.

Signed ꝑ Order. Geo: Plater Cl. Up: Ho.

The following Message being Prepared was ordered to be entred thus (viz.) [The text of this message is printed at page 126.]

p. 79 Sent to the Upper House by John Beale Esq^r^ and M^r^ Key who return and Say they delivered the same.

The Bill Entituled an Act for laying out Land And Erecting a Town in Saint Marys County at a place formerly called Seymour Town was read and Passed for ingrossing.

The Bill for Distroying Bears in Somerset County was read and Passed for ingrossing.

The Bill Entituled an Act to erect a Parish in Ann Arundell County called Queen Caroline Parish read and ordered to be thus indorsed (Viz) L. H. J. p. 80

By the Lower House of Assembly October 22^d^ 1728.

Read the first time and ordered to lie on the Table.

Signed ℘ Order. M. Macnemara Cl. Lo. Ho.

A Bill entituled an Act for the Naturalization of William Rayman of the City of Annapolis being read was ordered to be thus indorsed (viz.)

By the Lower House of Assembly October 22^d^ 1728.

Read the first and second time by an Especiall order and will Pass.

Signed ℘ Order. M. Macnemara Cl: Lo: Ho:

The following Message being Prepared was ordered to be Entred (thus) viz. [The text of this message is printed at page 127.]

Sent to the Upper House by Major King and Major Turbutt who return and say they delivered the same. p. 84

Phillip Lee Esq^r^ from the Upper House delivers to M^r^ Speaker the Bill to Encourage the Destroying of Wolves Crows and Squirrells Thus indorsed (Viz)

By the Upper House of Assembly October 21^st^ 1728.

Read the first time and ordered a Second reading to Morrow

Signed ℘ Order Geo: Plater Cl: Up: Ho:

And (thus) [The text of this endorsement is printed at page 127.]

Benjamin Tasker and Nicholas Lowe Esq^r^ from the Upper House acquaint M^r^ Speaker that the Governor requires the Attendance of this house in the Upper house to see the bill entituled an Act for the releif of John Beale of Charles County assented to. p. 85

Whereupon M^r^ Speaker and the whole House went and saw the said Bill assented to by the Governor on behalf of the Lord Proprietary and imēdiately returned.

M^r^ Speaker reassumed the Chair.

The Bill to encourage the Destruction of Wolves Crows and Squirrells was read with the Amendments proposed and past for ingrossing.

A Bill Entituled a Supplementary Act to the Act Entituled an Act for releiving the Inhabitants of this Province from some Ag-

L. H. J. greivances in the Prosecutions of Suits at Law being read was thus indorsed (viz)

By the Lower House of Assembly October 22d 1728

Read the first time and ordered to lie on the Table.

Signed ꝑ Order. M. Macnemara Cl: Lo: Ho:

p. 86 The Ingrossed Bill entituled an Act for destroying Bears in Somerset County was read and Assented to by this House and sent to the Upper House by Mr Dashields who returns and says he delivered the same.

The Bill Entituled an Act for the Naturalization of William Rayman of the City of Annapolis was sent to the Upper house by Robert Gordon and Edmund Jennings Esqrs who return and Say they delivered the same.

The Bill Entituled an Act to erect a Parish in Ann Arundell County called Queen Caroline Parish read a Second time and ordered to be thus indorsed

By the Lower House of Assembly October 22d 1728

Read a Second time by an Especiall Order and will pass

Signed ꝑ Order. M. Macnemara Cl: lo: ho:

Sent to the Upper House by John Beale Esqr and Mr Wharfeild who return and say they delivered the same.

The House adjourns till to Morrow Morning 9 a Clock.

October 23 Wednesday October 23rd 1728.

The House met this Day according to Adjournment. The Members were called All were Present as Yesterday. The Proceedings of Yesterday were read.

Mr Key from the Committee of Laws delivers to Mr Speaker a Bill entituled an Act for regulating the Parishes in Saint Marys and Charles Countys which was read and ordered to be indorsed thus

By the Lower House of Assembly October 23d 1728.

p. 87 Read the first time and Ordered to lie on the Table

Signed ꝑ Order. M. Macnemara Cl: Lo: Ho.

The Bill Entituled an Act to Prevent the Abuses of Concealing convicted felons and other offenders imported into this Province and for the better Discovery of them being read was Ordered to be thus indorsed (Viz) L. H. J.

By the Lower House of Assembly October 23d 1728.

Read the first Time and ordered to lie on the Table.

Signed ꝑ Order. M. Macnemara Cl: Lo: Ho.

Nicholas Lowe Esqr from the Upper House delivers to Mr Speaker the following Message (Viz) [The text of this message is printed at page 130.]

Charles Calvert Esqr from the Upper House delivers to Mr Speaker the Bill Entituled an Act for the Naturalization of William Rayman of the City of Annapolis indorsed thus. p. 88

By the Upper House of Assembly October 22d 1728

Read the first time and Ordered to Lie on the Table.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho:

And (thus)

By the Upper House of Assembly October 23d 1728.

Read the Second Time and will Pass.

Signed ꝑ Order Geo: Plater Cl: Up: Ho:

And the Paper Bill for destroying Bears in Somerset County indorsed (thus)

By the Upper House of Assembly October 23d 1728

The Ingrossed Bill whereof this is the Originall is read and Assented to by this House.

Signed ꝑ Order Geo: Plater Cl: Up: Ho:

John Hall Esqr from the Upper House delivers to Mr Speaker the Bill Entituled an Act to cut of the Entail of a Tract of Land devised by Edward Harris deceased to his Sons Edward and Thomas Harris of Queen Anns County and to confirm unto the said Thomas Harris one hundred and fifty Acres part of the aforesaid Tract of Land untill the said Thomas is of Age and his brother Edward Purchases for him one hundred and fifty acres in Lieu thereof with the following Indorsement (viz)

By the Upper House of Assembly October 19th 1728.

Read the first time and Ordered to lie on the Table p. 89

Signed ꝑ Order. Geo. Plater Cl. Up. Ho:

L. H. J. And (thus)

By the Upper House of Assembly October 23d 1728

Read the second time and will not Pass.

Signed ℘ Order. Geo: Plater Cl: Up: Ho:

Mr John Brannock Mr Kirk and Mr Edmundson Members of this House being ordered to withdraw untill the Petition of Vincent Lowe is heard at the bar of this House they being related to the Severall Parties concerned in the said Petition accordingly withdrew

Mr John Brannock having withdrawn as a relation to one of the Persons complained of in Vincent Lowe's Petition was Admitted as an Attorney to Plead at the bar he having taken the Oath prescribed by Law as an Attorney

The Petition of Vincent Lowe and Elizabeth his wife being heard at the bar of this House was Ordered to be thus indorsed (viz)

By the Lower House of Assembly October 23d 1728

This Petition being read and the Proofs heard the same is rejected for that it appears to this House the Petitioners have their releif elsewhere.

Signed ℘ Order M. Macnemara Cl: Lo: Ho:

Collo Richard Tilghman from the Upper House delivers to Mr Speaker the following Message (viz) [The text of this message is printed at page 131.]

p 90 The following Message being Prepared was Ordered to be Entred (thus) [The text of this message is printed at page 132.]

p. 92 Sent to the Upper House by James Harris Esqr and Mr Key who return and Say they delivered the same.

The Bill Entituled a Supplementary Act to the Act for releiving the Inhabitants of this Province from Some Aggreivances in the Prosecutions of Suits at Law being read was ordered to be thus Indorsed (Viz)

By the Lower House of Assembly October 23d 1728.

Read the second time and will Pass.

Signed ℘ Order. M. Macnemara Cl: Lo: Ho:

The Same was sent to the Upper House by Mr Hamilton and Captn Blackistone who return and say they Delivered the same

The Question being Put whether the County Courts when it shall appear to them that the Guardians of Orphans and the Securities they have given for the Orphans Estates are necessitous and insufficient and that the County Courts cannot get any Person to take the

Orphans Estates shall have Power to Sell the Orphans Estates except the Plate and Slaves or not. L. H. J.

Resolved in the Affirmative and ordered that the same be Provided for by a Clause in the further Supplementary Act for the better Administration of Justice in Testamentary Affairs Granting Administrations &c^{a}

The House Adjourns till to Morrow Morning 9 a Clock.

Thursday October 24th 1728 October 24

The House met this day according to Adjournment. The Members were called and all were Present as Yesterday. The Proceedings of Yesterday were read.

The Question being Put whether the Consideration of the Act for the better Administration of Justice in Testamentary Affairs &c^{a} be referred untill the next Sessions or not. Resolved in the Negative p. 93

The Ingrossed Bill Entituled an Act to confirm two Deeds of Bargain and Sale the one from George Oldfield and Petronella his wife and the other from Richard Carr son and heir at Law to a Certain John Carr of Cecil County deceased to Casparus Augustine Herman and the Ingrossed bill Entituled an Act to encourage the destroying of Wolves Crows and Squirrells were Severally read and Assented to by this house and sent to the Upper House by M^{r} Knight and M^{r} Robins who return and say they delivered the same.

John Rousby Esq^{r} from the Upper house delivers to M^{r} Speaker the following Message (Viz) [The text of this message is printed on page 134.]

Benjamin Tasker Esq^{r} from the Upper House delivers to M^{r} Speaker the following Message (viz.) [The text of this message is printed on page 135.] p. 95

Phillip Lee Esq^{r} from the Upper House delivers to M^{r} Speaker the Petition of Frances Ungle thus Indorsed (Viz) p. 96

By the Upper House of Assembly October 24th 1728.

Read and referred to the Consideration of the Lower House of Assembly.

Signed ℘ Order. Geo. Plater Cl: Up: Ho:

The Paper bill Entituled an Act to encourage the Destroying of Wolves Crows and Squirrells with this Indorsement (Viz.)

By the Upper House of Assembly October 24th 1728.

The Ingrossed Bill whereof this is the Originall is read and Assented to by this house.

Signed ℘ Order. Geo: Plater Cl: Up. Ho:

L. H. J. And the Paper Bill Entituled an Act to confirm two deeds of sale the one from George Oldfield and Petronella his wife, and the other from Richard Carr son and heir at Law to a Certain John Carr of Cecil County deceased to Casparus Augustine Herman thus Indorsed (Viz.)

By the Upper House of Assembly October 24th 1728.

The Ingrossed bill whereof this is the Originall is read and Assented to by this House.

Signed ꝑ Order. Geo: Plater Cl: Up. Ho:

p. 97 Nicholas Lowe Esqr from the Upper House delivers to Mr Speaker the bill Entituled an Act to erect a Parish in Ann Arundell County Called Queen Caroline Parish thus Indorsed (Viz)

By the Upper House of Assembly October 22d 1728.

Read the first time and ordered to lie on the Table

Signed ꝑ Order. Geo. Plater Cl: Up: ho:

And (thus)

By the Upper House of Assembly October 24th 1728.

Read the second time and will pass

Signed ꝑ Order. Geo: Plater Cl: Up: Ho:

A Bill Entituled an Act for the releif of Francis Mercer of Somerset County Merchant being read was ordered to be thus Indorsed (Viz.)

By the Lower House of Assembly October 24th 1728.

Read the first and Second time by an Especial order and will pass.

Signed ꝑ Order. M. Macnemara Cl: Lo: Ho:

And Sent to the Upper House by Major King and Mr Dashield who return and say they delivered the same.

Charles Calvert Esqr from the Upper House delivers to Mr Speaker the Bill Entituled a Supplementary Act to the Act for the releiving the Inhabitants of this Province from some Aggreivances in the Prosecutions of Suits at Law thus Indorsed (Viz.)

By the Upper House of Assembly October 23rd 1728.

Read the first time and Ordered to lie on the Table.

Signed ꝑ Order. Geo: Plater Cl: Up: Ho:

And (thus) L. H. J. p 98

By the Upper House of Assembly October 24th 1728.

Read the second time and will pass with the same Proviso as in the former Act for that Purpose

Signed ꝑ Order Geo: Plater Cl. Up: Ho:

John Hall Esqr from the Upper House delivers to Mr Speaker the Petition of Messrs Scott Turbutt and Chamberlain thus indorsed (Viz.)

By the Upper House of Assembly October 24th 1728

Read and referred to the Consideration of the Lower House of Assembly.

Signed pr Order Geo: Plater Cl. Up. Ho.

The following Message being Prepared was ordered to be Entred (thus) [The text of this message is printed at page 136.]

Sent to the Upper House by James Harris Esqr Major King, Major Hanson and Mr Key who return and say they delivered the Same. p. 99

The Bill Entituled an Act for the releif of Francis Garterill of An Arundell County being read was ordered to be thus Indorsed (Viz.)

By the Lower House of Assembly October 24th 1728.

Read the first and Second time by an Especial order and will pass.

Signed ꝑ Order. M. Macnemara Cl. Lo: Ho:

Sent to the Upper House by Mr Worthington and Mr Gordon who return and say they delivered the same.

Benjamin Tasker Esqr from the Upper House delivers to Mr Speaker the following Message (Viz.) [The text of this message is printed at page 137.]

The Bill Entituled an Act for Regulating the Severall Parishes of St Marys and Charles Countys being read was ordered to be thus Indorsed (Viz.)

By the Lower House of Assembly October 24th 1728 p. 100

Read a second time and will pass.

Signed ꝑ Order. M. Macnemara Cl. Lo: Ho:

Sent to the Upper House by Major Hanson and Mr Young who return and say they delivered the same.

L. H. J. The Bill Entituled an Act to erect a Parish in Ann Arundell County called Queen Caroline Parish was read and Passed for Ingrossing.

M^r^ George from the Committee of Laws delivers to M^r^ Speaker a Bill Entituled an Act for the Enlargement of Christopher Bonfield a Languishing Prisoner in Calvert County which being read was Ordered to be thus Indorsed (Viz)

By the Lower House of Assembly October 24th 1728

Read the first and second time by an Especiall order and will Pass.
Signed ꝑ Order M. Macnemara Cl: Lo: Ho:

Sent to the Upper House by Mr Benjamin Mackall & Major Skinner who return and say they delivered the same.

The Bill Entituled a Supplementary Act to the Act entituled an Act for the Establishment of religious Worship in this Province being read was ordered to be thus Indorsed (Viz.)

By the Lower House of Assembly October 24th 1728

Read the first time and ordered to lie on the Table.
Signed ꝑ Order: M. Macnemara Cl: Lo: Ho:

p. 101 The House Adjourns till to Morrow Morning at 9 of the Clock.

October 25

Friday October 25th 1728

The House met this day according to Adjournment.

The Members were called and all were Present as Yesterday except Major William Turbutt who was absent through Sickness, Yesterdays proceedings were read over.

The House give Liberty to the two Treasurers of this Province to dispose of the bills of Exchange which they now have belonging to the Country for Cash at 35lb pr Ct Excha

The House order the Corporation of the City of Annapolis to pay to the Commissioners appointed to Examine Evidences relating to the Town Lands eight Shillings pr diem to each Commissioner for every day he Attended and Eight shillings ꝑ Diem to the Clerk appointed by the said Commissioners for each day he served.

This day the Managers of the Conference appointed by this house to regulate officers fees return and make a Verball Report to the house of their Proceedings

Richard Tilghman Esq^r from the Upper House delivers to M^r Speaker the Bill Entituled an Act for the releif of Francis Mercer of Somerset County Merchant thus Indorsed (Viz.) L. H. J.

By the Upper House of Assembly October 24th 1728.

Read the first time and Ordered to lie on the Table.

Signed ℘ Order. Geo: Plater Cl: Up: Ho:

And (thus) p. 102

By the Upper House of Assembly, October 25th 1728

Read the second time and will Pass.

Signed ℘ order. Geo: Plater Cl: Up: Ho:

And the following Message (Viz.) [The text of this message is printed at page 138.]

The Question being put whether a Tobacco Law should be Prepared to restrain the number of Plants to Seven thousand Plants of Tobacco for each Taxable making an Allowance for Poor People that have but one Taxable and Children not being Taxables and Single women that have none one fourth part of all Publick and p. 103 Countys Levys and Parochial Charges and Lawyers fees to be deducted if the Tobacco be Paid in Specie, and the Officers fees to be Paid according to the regulation of 1725 with Liberty to pay all Publick and other Dues Charges and fees in Mony at ten Shillings Currant mony ℘ Cent at the Election of the Debtor or not Resolved in the Affirmative.

The Bill Entituled an Act for emproving the Staple of Tobacco being read was ordered to be thus indorsed viz.

By the Lower House of Assembly October 25th 1728.

Read the second time and will pass.

Signed ℘ Order M. Macnemara Cl: Lo: ho:

The House adjourns till to morrow Morning 9 a Clock.

Saturday October 26th 1728. October 26

The House met this Day according to Adjournment. The Members were called and all were Present as Yesterday, Yesterdays Proceedings were read over.

L. H. J. Coll° Ward from the Upper House delivers to Mr Speaker the Bill for the releif of Francis Garterill of Ann Arundell County indorsed as followeth (viz.)

By the Upper House of Assembly October 25th 1728

Read the first time and Ordered to lie on the Table.

Signed ꝑ Order Geo: Plater Cl: Up: Ho:

And (thus)

By the Upper House of Assembly October 26th 1728

Read the second time and will Pass.

Signed ꝑ Order. Geo. Plater Cl: Up: Ho:

p. 104 And the Bill Entituled an Act for the Enlargement of Christopher Bonfield a Languishing Prisoner in Calvert County indorsed in manner following (viz)

By the Upper House of Assembly October 25th 1728

Read the first time and ordered to lie on the Table.

Signed ꝑ Order Geo: Plater Cl: Up: Ho:

And (thus)

By the Upper House of Assembly October 26th 1728.

Read the second time and will not Pass.

Signed ꝑ Order. Geo: Plater Cl: Up: Ho:

John Rousby Esqr from the Upper House delivers to Mr Speaker the Bill Entituled an Act for the regulating the Parishes in Saint Marys and Charles Countys Indorsed as followeth (viz.)

By the Upper House of Assembly October 24th 1728.

Read the first time and Ordered to lie on the Table

Signed ꝑ Order. Geo: Plater Cl: Up. Ho.

And (thus)

By the Upper House of Assembly October 26th 1728.

Read the second time and will not Pass.

Signed ꝑ Order Geo: Plater Cl: Up. Ho:

And the following Message (Viz) [The text of this message is printed at page 139.]

Mr Key from the Committee of Laws delivers to Mr Speaker a Bill for the releif of severall Poor Prisoners which being read is ordered to be thus indorsed (viz.) L. H. J. p. 105

By the Lower House of Assembly October 26th 1728.

Read the first time and ordered to lie on the Table

Signed ꝑ Order. M: Macnemara Cl: Lo: Ho:

The Bill Entituled an Act for the emprovement of the Staple of Tobacco was sent to the Upper House by James Harris Esqr Mr Key Mr Crabb, Mr Courts, Collo Belt and Edmund Jennings Esqr who return and say they delivered the same.

The Bill Entituled a Supplementary Act to the Act for releiving the Inhabitants of this Province from some Aggreivances in the Prosecution of Suits at Law was read and Passed for ingrossing.

The Bill Entituled an Act for the Establishment of religious Worship in this Province being read was ordered to be thus Indorsed (Viz.)

By the Lower House of Assembly October 26th 1728.

Read the Second time and will Pass. p. 106

Signed ꝑ Order. M. Macnemara Cl. Lo: Ho:

Sent to the Upper House by Mr Crabb and Mr Robins who return and say they delivered the same.

The Ingrossed bill Entituled an Act to erect a Parish in Ann Arundell County called Queen Caroline Parish, and the Ingrossed bill entituled an Act for the Naturalization of William Rayman of the City of Annapolis were sent to the Upper House by Mr Gordon and Mr Scott who return and say they delivered the same.

Mr Key from the Committee of Laws delivers to Mr Speaker a Bill Entituled an Act reviving and Continuing an Act of Assembly of this Province entituled an Act for the better releif of poor Debtors which being read was ordered to be thus Indorsed (Viz.)

By the Lower House of Assembly October 26th 1728.

Read the first and second time by an Especial Order and will Pass.

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Sent to the Upper House by Captain Ebenezer Blackistone and Mr Brannock who return and say they delivered the same.

Mr Thompson and Mr Hemsley deliver to Mr Speaker a bill Entituled an Act for dividing Saint Pauls Parish in Queen Anns County

L. H. J. which was read and ordered to be Indorsed in manner following (Viz.)

By the Lower House of Assembly October 26th 1728.

Read the first time and Ordered to lie on the Table.

Signed ꝑ Order M: Macnemara Cl: Lo: Ho:

p. 107 James Harris Esqr from the Committee of Laws delivers to Mr Speaker the Bill Entituled an Act for ascertaining the form of the Oath of Judge or Justice which being read was ordered to be thus Indorsed (Viz.)

By the Lower House of Assembly October 26th 1728.

Read the first time and ordered to lie on the Table.

Signed pr Order. M Macnemara Cl: Lo: Ho:

Benjamin Tasker Esqr from the Upper House delivers to Mr Speaker the Paper bill entituled an Act for the Naturalization of William Rayman of the City of Annapolis thus indorsed (viz.)

By the Upper House of Assembly October 26th 1728

The Ingrossed Bill whereof this is the Originall is read and Assented to by this house.

Signed ꝑ Order. Geo. Plater Cl: Up: Ho:

And the Paper Bill entituled an Act to erect a Parish in Ann Arundell County called Queen Caroline Parish thus indorsed (viz.)

By the Upper House of Assembly October 26th 1728

The Ingrossed Bill whereof this is the Originall is read and Assented to by this house.

Signed ꝑ Order Geo. Plater Cl. Up. Ho:

The House Adjourns till Monday morning 9 a Clock

October 28 Monday, October 28th 1728.

The House met this day according to Adjournment, the Members were called and all were Present as on Saturdays. The Proceedings of Saturday were read over.

Phillip Lee Esqr from the Upper House delivers to Mr Speaker the bill entituled a Supplementary Act to the Act Entituled an Act for the Establishment of Religious Worship in this Province indorsed as followeth (viz.). L. H. J.

By the Upper House of Assembly October 26th 1728.

Read the first time and ordered to lie on the Table. p. 108

Signed pr Order. Geo. Plater Cl: Up: Ho:

And (thus)

By the Upper House of Assembly October 28th 1728

Read the second time and will Pass.

Signed pr Order. Geo. Plater Cl: Up. Ho:

And the Bill entituled an Act reviving and Continuing an Act of Assembly of this Province entituled an Act for the better releif of Poor Debtors indorsed (thus)

By the Upper House of Assembly October 26th 1728.

Read the first time and Ordered to lie on the Table.

Signed pr Order. Geo. Plater Cl. Up. Ho.

And (thus)

By the Upper House of Assembly October 28th 1728.

Read the Second time and will Pass.

Signed pr Order. Geo: Plater Cl. Up: Ho:

The two last mentioned Bills were severally read and Passed for Ingrossing.

The Ingrossed Bill for laying out Land and erecting a Town in Saint Marys County was read and assented to by this House and Sent to the Upper house by Captain Waughop and Mr Young who return and say they delivered the same.

The Bill entituled an Act for dividing Saint Pauls Parish in Queen Anns and part of Talbot County was read and ordered to be thus Indorsed (Viz)

By the Lower House of Assembly October 28th. 1728.

Read the Second time and will Pass.

Signed pr Order. M. Macnemara Cl: Lo: Ho:

Sent to the Upper House by Mr Thompson and Mr Hemsley who return and say they delivered the same.

L. H. J. p. 109 Mʳ Samuel Hanson from the Committee to inspect the Publick Records delivers to Mʳ Speaker the following Report (Viz) [The text of this report is printed at page 142.]

A List of the Books in the Commissarys Office viewed by the Committee

Nº 1 a New Transcribed book of Wills

Nº 2 the same.

Nº G: new bound and Severall leaves in severall places transcribed but not Proved.

P: C: (Nº C) new bound and new Alphabet not proved

K. C. (Nº 25) Alphabet transcribed but not proved & the Book new bound

Testamentary Proceedings 1706 new bound Alphabet transcribed but not Proved

I: C: Nº 5 New bound two first leaves of the Alphabet Transcribed but not Proved.

p. 110 Nº 20 D: new bound two first leaves transcribed but not Proved

Nº 22: Testamentary Proceedings 1687 to 89 and Inventorys and Accounts 1700 not bound for want of time.

Testamentary Proceedings Wills Inventorys & Accounts	Nº 2 P. C.	from 1657 to 1666 bound together.
	Nº 3:	
	Nº 4: M	
	Nº 5.	
	Nº 6.	
	Nº 7.	

Dº ……	Nº 8 ……	from 1666 to 1668	New bound
Dº H. H	Nº 9	1668 & 1669	Dº
Dº	Nº B.	1670 to 73	Dº

Testamentary Proceedings only S S. Nº 10 & 12. 1670 to 78 Dº Dº in Severall Small Books Nº 10 & W. 1701 to 1707 bound together

Testamentary Proceedings	Nº 18.	1680	Bound together
	Nº 20	1682	
	Nº 23	1692	bound together
Dº K. C.	Nº 23	1693	
Dº	Nº 26	1699 to 1701	New bound
Dº		1703	Dº

Wills	Nº D	1670	bound together
	Nº B	1678	
	Nº C	1679	
	Nº 20 D	1680	Bound together
	Nº E	1681	
	Nº F	1682	
	Nº I. K. C.	1693 & 4	

D° N° A 1676 and 7 New bound L. H. J.
D° N° H 1688–89
1698–99 } D°
And L C 1692 & 93
D° W B N° 6 from 1714 to 18 D°
D° I. C. 1706 to 1709
W B N° 2 1709 } bound together p. 111
D° W B N° 5 1710 to 14 New bound
D° T. B. 1701 to 1703 a transcribed book new bound
Inventorys & Accounts N° I. 1674–75 & part 1703 New bound.
D° { N° 7. 1680
N° 8. 1681 } Bound together
N° 9. 1682
Inventorys & Accounts N° 11. 1686 to 88 New bound
D° K. C. N° 12 1693 & 4 D°
D° K. C N° 13
D° K. C N° 15 } 1694 to 96 bound together
D° N° 16. 1696 to 97 New bound
D° K. C. N° 17 1697 D°
D° N° 19 1698 D°
D° N° 20 1698 D°
D° N° 21 1699 D°
D° N° 57 1699 to 1700 Bound together
D° W T N° 1 1703 New bound
D° T 1701 & 2 D°
D° W. T. 1702 & 3 D°
D° I. C. N° 4 1708 D°
D° W B. N° 1 1708 & 1709 D°
D° W B N° 4 1709 & 10 D°
D° W B N° 6
D° N° 7 & 8
D° N° 9 } 1710 & 1711 bound together
D° W B N° 10
D° W B N° 11 } 1711 & 1712 bound together
D° W B N° 12 1713 New bound
D° W B N° 13
D° W B N° 14 } 1713 & 1714 bound together.
Inventorys } W B N° 15
and Accounts } W B N° 16 } 1714 & 15 bound together p. 112
W B N° 17
D° W B N° 18
W B N° 21 } 1716 & 17 bound together.
W B N° 22
W B N° 19
W B N° 20

L. H. J.	W B	N° 23	1717 and 18 bound together
D°	W B	N° 24	
	W B	N° 25	
D° A. D.		N° 3.	1722 New bound

And a New Alphabet for the Books of Wills not Proved

A List of the Books in the Provinciall Office viewed by the Committee.

A Book of old Laws transcribed from Liber C. and W. H.

W. R. C. Conveyances Deeds &c New bound.

Liber S. New bound

B. B	D°	N. N.	new bound
F F	D°	W. C	D°
I. I	D°	T. B 1705	D°
M. M	D°	W. H.	the old transcribed book of Laws new bound.

L. L new bound

W. H. L bound together.

A List of the Books in the Land Office viewed by the Committee.

N° 1	a New book transcribed	from F. & B
N° 2	D°	from Z and part of A
N° 3	D°	from part of A and part of B
N° 4	D°	from R and Part of X.
N° 5	D°	from part of X and part of A. A.
p. 113 N° 6.	D°	from part of A. A.
N° 7	D°	from part of C. C.
N° 8	D°	from part of C. C. & D. D.
N° 9	D°	from E. E.
N° 10	D°	from F. F. and Part of G. G.
N° 11	D°	from part of G. G.
N° 12.	D°	from H. H. and part of I. I.
N° 13	D°	from part of I. I.
N° 14.	D°	from K. K.
N° 15.	D°	from L. L.
N° 16.	D°	from part of W. T.
N° 17	D°	from part of W. T. and part of M. M.
N° 18.	D°	from part of M. M.
N° 19	a New book transcribed	from part of W. C.
N° 20.	D°	from part of W. C.
N° 21.	D°	from W. C. N° 3 & W. C. N° 5
N° 22.	D°	from S. D. N° A & D. S. N° B.
N° 23.	D°	from B. N° 2

C. D. Transcribed from C. D.

W. C. N° 2 Warrants transcribed from W. C. N° 2

B. B. D° from B. B.

Two New Alphabet Books for Warrants, Rights & Assignments L. H. J.
One Dº for Certificates and Patents
One Dº for Patents only.

Lib R. An old transcribed book new bound.
X Dº
A. A Dº 1662 to 64
C. C. Dº
D D. Dº
E. E. Dº
F. F. Dº
G. G. Dº
H. H. Dº
I. I. Dº
K. K. Dº
B Nº 2 Transcribed and bound
N. S. Nº 2 New bound
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S. D. Nº A. Dº
B. B. Nº 3 New bound
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A 1694 Dº
C. D. Nº 4 Dº
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L. L. Dº
W. C. Dº
W. C Nº 2 Dº
W. C. Nº 3. Dº
C. B. Nº 2 New bound only
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W. C. Nº 5 New bound only

p. 114

R. Y. Nº 1. New bound
B. B. Transcribed & bound
C. B. Nº 1. New bound
R. R. Dº
H. H. Dº

Z
A 1647 to 52
B
F
H
C B Nº 3
Not yet bound

In the Chancery Office
C. D. An old Chancery Record Book now Transcribing
P. C. An old book to be bound.

Signed ꝑ Order John Gibson Clk. Com.

John Rousby Esqr from the Upper House delivers Mr Speaker a Letter from the Governor contained in the following words (viz.) [The text of this letter is printed at page 143.]

And the Paper mentioned in the Governours Letter contained in these words (viz.) [The text of this paper is printed on page 143.] p. 115

And the following Message (Viz.) [The text of this message is printed on page 143.] p. 116

Mr Tolley hath Leave of the House to go home his Wife being dangerously ill.

L. H. J. The Bill entituled an Act for the Releif of Severall poor Debtors being read was ordered to be thus Indorsed (viz.)

By the Lower House of Assembly October 28th 1728

Read the second time and will Pass.

Signed ꝑ Order. M. Macnemara Cl. Lo. ho.

Sent to the Upper House by Mr Key and Mr Hemsley who return and say they Delivered the same.

p. 117 Edmund Jennings Esqr from the Committee of Laws delivers to Mr Speaker a Bill entituled an Act for Limitation of Officers fees.

The House having taken into Consideration the Governors Letter appoint Edmund Jennings Esqr and Collo Gale to prepare an address thereto.

The House adjourns till to Morrow Morning 9 a Clock.

October 29 Tuesday October 29th 1728.

The House met this Day according to Adjournment. The Members were called and all were Present as Yesterday except Mr Tolley.

The Proceedings of Yesterday were read over.

Nicholas Lowe Esqr from the Upper House delivers to Mr Speaker the Paper bill entituled an Act for laying out of Land and erecting a Town in St Marys County at a Place called Seymour Town thus Indorsed (Viz.)

By the Upper House of Assembly October 29th 1728.

The Ingrossed Bill whereof this is the Originall is read & Assented to by this House.

Signed ꝑ Order Geo. Plater Cl. Up. Ho

Charles Calvert Esqr from the Upper House delivers to Mr Speaker the following Message (Viz.) [The text of this message is printed at page 146.]

p. 118 The following is the Deposition sent from the Upper House & referred to in the Message [The text of the deposition is printed at page 144.]

p. 120 Upon Reading the Deposition of Edward Harris above mentioned this house do unanimously resolve that the Severall things therein deposed concerning the Character of James Hollyday Esqr a Member of this house are false and Scandalous, and that such reflections do very much tend to the Dishonour of this house

Edmund Jennings Esqr and Collo Gale were ordered to go and Acquaint the Governor that this house hath Prepared an Address and desire to know if he is at Leisure to receive the same, who return and say they Acquainted the Governor of their Message and that he would be ready to receive the Address in half an hour. L. H. J.

John Hall Esq^r from the Upper House deliver to M^r Speaker the Bill entituled an Act for dividing of Saint Pauls Parish in Queen Anns and part of Talbot County thus Indorsed (viz.)

By the Upper House of Assembly October 28th 1728.

Read the first time and Ordered to Lie on the Table.
Signed ꝑ Order. Geo. Plater Cl. Up. Ho:

And (thus)

By the Upper House of Assembly October 29th 1728.

Read the second time and will Pass. p. 121
Signed ꝑ Order. Geo. Plater Cl. Up. Ho:

The Address to the Governor contained in the following Words (viz.)

To the Honourable Benedict Leonard Calvert Esq^r Governour of the Province of Maryland.

The Humble Address of the House of Delegates

May it Please your Honour.

We desire your Honour to receive in this manner our hearty and Sincere thanks for the favour of communicating to us a Copy of a Scandalous insolent and Seditious Paper dated the 20th Instant and we Cannot but Acknowledge the great Satisfaction which we have in the Sense your Honour is Pleased to express (in your Letter of the 28th Instant) with which we are honoured of such dangerous and daring Designs.

The Love of English Liberty is too Prevalent in our Breasts to suffer us to be Silent on this occasion; small hopes the People of Maryland may entertain of the Representatives in Assembly convened if awe and fears instead of freedom and Constancy must take Place in their Debates and Votes but we can with Pleasure give an Assurance of this our Resolution, to discountenance and destroy to the utmost of our Power every Appearance of a Restraint on our Words and Actions in whatever shape it may shew itself Prejudiciall and Destructive to the Rights and Priviledges inseperable from our Legislative Capacity.

Upon these Motives we hope Your Honour will be Pleased to Order such other Papers and intelligences to be laid before us as may have been Produced to Your Honour in order to detect the Authors of such Designs as are contained in that Scandalous Paper. p. 122

L. H. J. towards which Discovery your Honour has with much care been Pleased to Issue a Proclamation with the Promise of a reward to make which good we shall readily join, And we do Assure you S^r^ Our Endeavours shall not be wanting in whatever may be necessary for the vindicating the safety and freedom of a Legislation of Englishmen.

October 29th 1728. Signed in behalf of the Lower House
ꝑ Jn° Mackall Speaker

Was sent by James Harris Esq^r^ Edmund Jennings Esq^r^ John Beale Esq^r^ James Hollyday Esq^r^ M^r^ Walter Smith and M^r^ John Magruder who return and say they delivered the Same.

The Bill Entituled an Act for the releif of Francis Garterill of Ann Arundell County was read and Passed for Ingrossing.

Coll° Ward from the Upper House delivers to M^r^ Speaker the Bill entituled an Act empowering the Justices of Calvert County to finish the Court House of that County by an Assessment on the Inhabitants thereof as also for the releif of John Critchard & William Kidd two of the builders of the said Court House thus Indorsed (viz)

By the Upper House of Assembly October 18th 1728.

Read the first time and ordered a Second reading to Morrow

Signed ꝑ Order. Geo. Plater Cl. Up. Ho.

And (thus)

By the Upper House of Assembly October 29th 1728.

Read the second time and will Pass.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

And the Bill entituled an Act for the releif of Edward Parish of Ann Arundell County indorsed as followeth (Viz.)

p. 123 By the Upper house of Assembly October 16th 1728

Read the first time and ordered to lie on the Table.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho.

And (thus)

By the Upper House of Assembly October 29th 1728.

Read the Second time and will Pass.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho.

Richard Tilghman Esqr from the Upper House delivers to Mr Speaker the Bill entituled an Act for ascertaining the form of Oath of Judge or Justice thus Indorsed (Viz.) L. H. J.

By the Upper House of Assembly October 28th 1728

Read the first time and ordered to lie on the Table.

Signed ꝑ Order Geo. Plater Cl. Up. Ho:

And (thus) [The text of this indorsement is printed at page 147.]

The Bill entituled an Act for Limitation of Officers fees being read was ordered to be thus indorsed (viz.)

By the Lower House of Assembly October 29th 1728.

Read the first Time and ordered to lie on the Table.

Signed ꝑ Order. M. Macnemara Cl. Lo. Ho:

The Bill entituled an Act for dividing of Saint Pauls Parish in Queen Anns and Part of Talbot County, The Bill entituled an Act for the releif of Edward Parish of Ann Arundell County and the Bill entituled an Act empowering the Justices of Calvert County to finish the Court house of that County by an Assessment on the Inhabitants thereof as also for the releif of John Critchard and William Kidd two of the builders of the said Court house were severally read and Passed for ingrossing. p. 124

The following Message being Prepared was ordered to be Entred thus (viz.) [The text of this message is printed at page 147.]

And was sent to the Upper House together with the Bill entituled an Act for ascertaining the form of the Oath of Judge or Justice by John Beale Esqr and Mr Worthington who return and say they delivered them.

The Bill entituled an Act for Limitation of Officers fees being read again was ordered to be thus Indorsed (viz.)

By the Lower House of Assembly October 29th 1728.

Read the second time by an Especiall order and will Pass. p. 125

Signed ꝑ Order. M. Macnemara Cl. Up. Ho.

Sent to the Upper House by Major King and Mr Matthews who return and say they delivered the same.

A Bill entituled an Act for the releif of Jonathan Covill of Prince Georges County being read was ordered to be thus Indorsed (Vizt)

By the Lower House of Assembly October 29th 1728

Read the first and second time by an Especiall Order and will Pass.

Signed ꝑ Order. M. Macnemara Cl. Up. Ho.

L. H. J. Sent to the Upper House by Mr Crabb and Collo Belt who return and say they delivered the same.

John Rousby Esqr from the Upper House delivers to Mr Speaker the following Message (Viz.) [The text of this message is printed at page 148.]

The House appoint Daniel Dulany Esqr James Harris Esqr Major King and Mr Key a Committee to join with a Committee of the Upper house to consider of Amendments Proposed by the Upper house to be made to the Tobacco Bill.

p. 126 The following Message being Prepared was Crdered to be Entred (thus) viz. [The text of this message is printed at page 148.]

Sent to the Upper House by James Harris Esqr Major King Mr Key and Mr Robert Hanson who return and say they Delivered the same.

The House Adjourns till to Morrow Morning 9 a Clock

October 30 Wednesday October 30th 1728.

The House met this day According to Adjournment. The Members were called and all were Present as Yesterday Except Major Perrie absent thro' Sickness. Yesterdays Proceedings were read.

The Bill entituled an Act to prevent the abuses of concealing convicted felons and other Offenders imported into this Province and for the better Discovery of them, read & ordered to be thus Indorsed (vizt)

By the Lower House of Assembly October 30th 1728.

Read the second time and will Pass.

Signed ꝑ Order. M. Macnemara Cl: Lo: Ho:

p. 127 Sent to the Upper House by Mr George and Mr Robins who return and say they delivered the same.

The Ingrossed Bill entituled an Act reviving and Continuing an Act of Assembly of this Province Entituled an Act for the better releif of Poor Debtors, The ingrossed bill Entituled an Act Empowering the Justices of Calvert County to finish the Court House of that County by an Assessment on the Inhabitants thereof as also for the releif of John Critchard and William Kidd two of the builders of the said Court House, and the Ingrossed bill Entituled a Supplementary Act to the Act for Establishment of religious Worship in this Province were severally read and Assented to by this House and sent to the Upper house by Mr Smith and Mr Thompson who return and say they delivered the same.

Phillip Lee Esq^{r} from the Upper House delivers to M^{r} Speaker L. H. J.
the following Message (Viz.) [The text of this message is printed at page 149.]

The Question being put whether a Supplementary bill to the Act p. 128
Entituled an Act for the better Administration of Justice in Testamentary Affairs &c. should be brought in or not. Resolved in the Affirmative.

Benjamin Tasker Esq^{r} from the Upper House delivers to M^{r} Speaker the following Message (viz.) [The text of this message is printed at page 150.]

The Governor's Answer to the Address of this House of Yesterday sent to M^{r} Speaker and by him Communicated to this house was ordered to be entred in the following words (viz.)

Gentlemen. p. 129

I thank you for your obliging Address Yesterday Presented me your Satisfaction in the Sense I had Expressed of some Daring designs agains the freedom of Legislation is most agreable to me as doubtless your Resentments against the Authors of them must be very gratefull to the good People you represent I shall as you desire lay before you such further Notice and Papers as I may find Conducive to a Discovery of the Persons therein either openly or secretly concerned that being known and Distinguished any influence they might otherwise have may be happily disappointed I Embrace this as a Proper Opportunity to assure you of my Steady Adherence to the Maintenance and Preservation of the Constitution of Maryland.

Bened^{t} Leon^{d} Calvert

Nicholas Lowe Esq^{r} from the Upper House delivers to M^{r} Speaker the Paper bill Entituled an Act reviving & Continuing an Act of Assembly of this Province entituled an Act for the better releif of poor Debtors thus Indorsed (viz)

By the Upper house of Assembly October 30th 1728

The Ingrossed bill whereof this is the Originall is read & Assented to by this House.

Signed ꝑ Order. Geo: Plater Cl. Up. Ho:

And the Paper bill entituled an Act empowering the Justices of Calvert County to finish the Court house of that County by an Assessment on the Inhabitants thereof as also for the releif of John

L. H. J. Critchard and William Kidd two of the builders of the said Court house thus Indorsed (Viz.)

By the Upper house of Assembly October 30th 1728

The Ingrossed bill whereof this is the Originall is read and Assented to by this house

Signed ꝑ Order Geo: Plater Cl: Up: ho:

p. 130 And the Paper bill Entituled a Supplementary Act to the Act for the Establishment of religious worship in this Province thus Indorsed (viz.)

By the Upper house of Assembly October 30th 1728

The Ingrossed bill whereof this is the Originall is read and Assented to by this House.

Signed ꝑ Order. Geo: Plater Cl. Up. Ho:

The Ingrossed bill entituled an Act for the releif of Francis Garterill of Ann Arundell County read and Assented to by this house was Sent to the Upper house by Mr Kennard and Mr Edmundson who return and say they delivered the same

The ingrossed Bill Entituled an Act for dividing of Saint Pauls Parish in Queen Anns and Part of Talbot County read and Assented to by this house was sent to the Upper house by Mr Hemsley and Mr Thompson who return and say they delivered the same.

Mr Samuel Hanson from the Committee of Laws delivers to Mr Speaker a bill entituled an Act for the better Administration of Justice in Testamentary Affairs granting Administrations recovery of Legacies securing filial Portions and Distribution of Intestates Estates, and for repealing the Severall laws therein mentioned.

John Beale Esqr from the Committee of Accounts delivers to Mr Speaker the Journall of Accounts for this Year.

John Hall Esqr delivers to Mr Speaker the Paper Bill entitled an Act for dividing of St Paul's Parish in Queen Anns and Part of Talbot County thus indorsed (viz.)

p. 131 By the Upper house of Assembly October 30th 1728

The Ingrossed bill whereof this is the Originall is read and Assented to by this house.

Signed ꝑ Order Geo: Plater Cl. Up: Ho:

And the Paper bill entituled an Act for the releif of Francis Garterill of Ann Arundell County thus indorsed (viz.) L. H. J.

By the Upper House of Assembly October 30th 1728

The Ingrossed bill whereof this is the Originall is read & Assented to by this house

Signed ꝑ Order Geo. Plater, Cl. Up. Ho:

And the Bill Entituled an Act for the releif of Jonathan Covill of Prince Georges County thus Indorsed (Viz.)

By the Upper House of Assembly October 29th 1728.

Read the first time and Ordered to lie on the Table.

Signed ꝑ Order. Geo. Plater Cl: Up: Ho:

And (thus)

By the Upper house of Assembly October 30th 1728.

Read the second time and will not Pass.

Signed ꝑ Order. Geo. Plater Cl: Up: Ho:

Philemon Lloyd Esqr delivers to Mr Speaker the following Message (Viz.) [The text of this message is printed at page 151.]

And the bill entituled an Act for the releif of severall Poor Prisoners thus Indorsed, viz: p. 132

By the Upper House of Assembly October 28th 1728

Read the first time and Ordered to lie on the Table

Signed ꝑ Order Geo: Plater Cl. Up. Ho:

And (thus)

By the Upper House of Assembly October 30th 1728

Read the second time and (with the Amendments proposed in the Message herewith sent) will Pass.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

James Hollyday Esqr is ordered to send for the following Stationary Ware for the Use of this Province (Viz)

2 Rheims of royal Paper
6 Rheims of London Arms Paper
10 Rheims of Copy Paper
2 Dozn Papers best Record ink Powder
12 Dozen skins of good Parchment not text indented or Stampt.
Two Books to be bound in Calf Skin with Brass Clasps containing 6 Quires each.

L. H. J. p. 133 Daniel Dulany Esq^r delivers to M^r Speaker the report from the Conferrees of both houses appointed to consider of Amendments Proposed to be made to the Tobacco bill which was read in the following Words (viz^t) [The text of this report is printed at page 152.]

p. 134 The Question being Put whether the house concur with the said Report or not. Resolved in the Affirmative.

The house adjourns till to morrow Morning 9 a Clock

October 31 Thursday October 31^st 1728.

The House met this day according to Adjournment, The members were called and all were Present as Yesterday. The Proceedings of Yesterday were read over. The following Message being Prepared was Ordered to be Entred in Manner following Viz. [The text of this message is printed at page 153.]

Sent to the Upper house by James Harris Esq^r and M^r Key who return and say they delivered the same

M^r Key from the Committee of Laws brings in a Bill entituled an Act for the better regulating the Parishes of Saint Marys and Charles Countys which being read was ordered to be thus indorsed (Viz.)

p. 135 By the Lower House of Assembly October 31^st 1728.

Read the first and second time by an Especiall Order & will Pass.
Signed ꝑ Order. M. Macnemara Cl. Lo: Ho:

Sent to the Upper house by Major Hanson and M^r Young who return and say they Delivered the same.

Edmund Jennings Esq^r from the Committee of Laws brings in a Bill entituled an Act for the Encouragement of Learning and erecting Schools in the Severall Counties within this Province and also to Explain an Act Entituled an Act for laying an Additional Duty of Twenty shillings Currant money ꝑ Poll on all Irish Servants being Papists to prevent the Growth of Popery by the Importation of too great a Number of them into this Province And also the Additional Duty of twenty shillings Currant money ꝑ Poll on all Negroes for raising a fund for the use of Publick Schools within the severall Counties of this Province being read was ordered to be thus indorsed (Viz.)

By the Lower House of Assembly October 31^st 1728

Read the first time and Ordered to lie on the Table.
Signed ꝑ Order M: Macnemara Cl: Lo: ho:

Phillip Lee Esq^r^ from the Upper House delivers to M^r^ Speaker the following Message (Viz.) [The text of this message is printed at page 153.] L. H. J.

And the Bill entituled an Act for emproving the Staple of Tobacco The Bill entituled an Act for the releif of Severall Poor Prisoners was read with the Amendments proposed and Passed for Ingrossing. p. 136

The Journall of Accounts being read was assented to in the following Manner Viz. [The text of this assent is printed at page 154.]

Sent to the Upper House by John Beale Esq^r^ James Hollyday Esq^r^ and M^r^ Worthington who return and say they delivered the same.

Nicholas Lowe Esq^r^ from the Upper House delivers to M^r^ Speaker the Bill entituled an Act to Prevent the Abuses of concealing convicted felons and other offenders imported into this province and for the better Discovery of them thus indorsed (Viz.)

By the Upper House of Assembly October 30th 1728

Read the first time and ordered to lie on the Table.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

And (thus) [The text of this indorsement is printed at page 153.] p. 137

The Bill entituled an Act to Prevent the Abuses of concealing convicted felons and other offenders imported into this Province and for the better discovery of them was read with the Amendments proposed and Passed for Ingrossing.

Edmund Jennings Esq^r^ brings in a Bill entituled an Act to appropriate part of the Land laid out in the City of Annapolis for building a Custom house on to and for the building a Market house on which being read was Ordered to be thus Indorsed viz.

By the Lower House of Assembly October 31st 1728

Read the first and second time by an Especiall order and will pass.

Signed ꝑ Order M. Macnemara Cl. Lo. Ho:

Sent to the Upper House by M^r^ Gordon and Edmund Jennings Esq^r^ who return and say they delivered the same.

John Hall Esq^r^ from the Upper House delivers to M^r^ Speaker the Bill entituled an Act for the better regulating the Parishes in Saint Marys and Charles Countys thus indorsed (Viz.)

By the Upper house of Assembly October 31st 1728.

Read the first Time and ordered to lie on the Table.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho:

L. H. J. And (thus)

By the Upper House of Assembly October 31st 1728.

Read the second time by an Especiall Order and will Pass.
Signed ꝑ Order. Geo. Plater Cl. Up. Ho.

p. 138 Which bill was read by this House and Passed for Ingrossing.

The Question being put whether the bill Entituled an Act for the better Administration of Justice in Testamentary Affairs &c should be referred till next Sessions of Assembly or not. Resolved in the Affirmative.

The Bill Entituled an Act for emproving the Staple of Tobacco brought from the Upper house by Phillip Lee Esqr was sent thereto by John Beale Esqr and Mr Hemsley who return and say they delivered the same.

The following Message being Prepared was Ordered to be Entred (thus) [The text of this message is printed at page 155.]

Sent to the Upper house by John Beale Esqr and Collo Belt who return and say they delivered the same.

The Bill entituled an Act to supply some Defects in the Act entituled an Act for the Encouragement of Learning &ca being read was ordered to be thus Indorsed (viz.)

By the Lower House of Assembly October 31st 1728

Read the second time by an Especial Order and will Pass.
Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

p. 139 Sent to the Upper house by James Hollyday Esqr and Mr Johnson who return and say they delivered the same.

The Ingrossed Bill entituled an Act for the releif of Edward Parrish of Ann Arundell County was read and Assented to by this house and sent to the Upper house by Mr Worthington who returns and says he delivered the same

The House give Liberty to Collo Young to dispose of the Bills belonging to the County Schools which he now hath at 30£ ꝑ Cent at least.

Collo Belt from the Committee of Aggreivances and Courts of Justice delivers to Mr Speaker the following Reports (viz)

By the Committee of Aggreivances Octobr 31st 1728

Its humbly offered to this Committee as an Aggreivance that when sherriffs Bonds are Prosecuted and Judgments thereon rendered for the Penalty, that it should be at the Election of the Persons at whose Prayer the said Bonds were sued to sue out Execu-

tions on such Judgments for the Penalty before they make Appear L. H. J.
their Claim to be due for as Your Committee hath been informed the Practice formerly was for the Attorney Generall to assign out of the Judgments rendered on Sherriffs Bonds for what Appeared to the Court to be due to the Persons at whose request the said Bonds were sued. All which is humbly Submitted by your Committee to the Consideration of the house

Signed ꝑ Order Nic. Hammond Cl. Com.

By the Committee of Aggreivances & Courts of Justice
October 31st 1728.

Your Committee having examined severall Commissions granted and Issued for severall Courts within this Province among which your Committee find that the Provinciall Commission Last granted
is not agreeable to the Oath of Judge or Justice For in that Com- p. 140
mission it is mentioned thus all and Singular the reasonable Good Laws Statutes and Ordinances of that Part of the Kingdom of Great Brittain called England &c^{a} and in the Oath its thus mentioned according to the Laws Statutes and reasonable Customs of England &c. All which is Submitted by your Committee to the Consideration of the House.

Signed ꝑ Order N: Hammond Cl: Com.

The Question being Put whether the Tobacco Allowances due to the severall Members of the Upper and Lower Houses of Assembly and other Officers Since Saturday last and to be now rated in mony should be at 8^{s} 4^{d} or 10^{s} Currency ꝑ Cent.

Resolved that the same be rated at 10^{s} Currency ꝑ Cent.

The Petition of James Govane being read was ordered to be thus Indorsed (Viz.)

By the Lower House of Assembly October 31st 1728.

On reading the Petition the House allows the Petitioner twelve Pounds Currant Money for the Losses he hath Sustained and the other Part of the Petition is rejected.

Signed ꝑ Order. M. Macnemara Cl. Lo. Ho:

Coll^{o} Ward from the Upper House delivers to M^{r} Speaker the Paper bill Entituled an Act for the releif of Edward Parrish of Ann Arundell County indorsed as followeth (viz.)

By the Upper house of Assembly October 31st 1728

The Ingrossed bill whereof this is the Originall is read and Assented to by this House

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

L. H. J. And the following Message (Viz.) [The text of this message is printed at page 156.]

p. 141 The following Message being Prepared was ordered to be Entred (thus) [The text of this message is printed at page 156.]

Sent to the Upper house by Mr George and Mr Robins who return and say they delivered the same.

The house Adjourns till to Morrow Morning 9 a Clock

November 1 Friday November 1st 1728

The House Met this day according to Adjournment. The members were called and all were Present as Yesterday. The Proceedings of Yesterday were read over

Benjamin Tasker and Phillip Lee Esqr from the Upper house deliver to Mr Speaker the Bill entituled an Act for emproving the Staple of Tobacco thus Indorsed (viz.)

p. 142 By the Upper House of Assembly October 26th 1728.

Read the first time and ordered to lie on the Table.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

And (thus) [The text of this endorsement is printed at page 157.]

Which Bill being read here with the Alterations proposed by the Upper house was passed for ingrossing.

Major Samuel Perrie appears in the House this day

Nicholas Lowe Esqr from the Upper house delivers to Mr Speaker the following Message (Viz.) [The text of this message is printed at page 158.]

Richard Tilghman Esqr from the Upper house delivers to Mr Speaker the Bill entituled an Act to Supply some Defects in the Act Entituled an Act for the Encouragement of Learning and Erecting Schools in the Severall Counties within this Province and also to Explain an Act entituled An Act for laying an Additionall Duty of Twenty Shillings Currant Mony ꝑ Poll on all Irish Servants being p. 143 Papists to Prevent the Growth of Popery by the Importation of too great a Number of them into this Province and also the Additional Duty of twenty shillings Currant Money ꝑ Poll on all Negroes for raising a fund for the use of Publick schools within the Severall Counties of this Province thus indorsed (viz.)

By the Upper house of Assembly October 31st 1728

Read the first Time and ordered to lie on the Table.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

And (thus) L. H. J.

By the Upper house of Assembly Nov^r^ 1^st^ 1728.

Read the second time and will pass.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho.

Which Bill being read here was passed for ingrossing.

The Question being put whether a Bill should be brought in this Sessions to Ascertain the manner of the County Justices Allowance or not, Resolved in the Negative.

The Question being put whether the Allowance for every hundred pounds of Tobacco a hogshead contains should be 6^d^ or 8^d^

Resolved that the Allowance be 8^d^ for every hundred.

The ingrossed Bill entituled an Act for the releif of Sundry Poor Prisoners in the severall Gaols of this Province, the Ingrossed bill Entituled an Act for the better regulating the Parishes in Saint Marys and Charles Countys, and the Ingrossed Bill entituled an Act to prevent the Abuses of Concealing convicted felons and other Offenders imported into this Province and for the better Discovery of them were severally read and Assented to by this House, and sent to the Upper house by Major King and M^r^ Mackall who return and say they delivered the same.

Daniel Dulany Esq^r^ from the Committee of Laws delivers to M^r^ Speaker a Bill Entituled an Act repealing Part of an Act Entituled an Act concerning Tobacco made at a Session of Assembly begun and held at the City of Annapolis on Tuesday the tenth day of October 1727, which being read was ordered to be thus indorsed (Viz) p. 144

By the Lower House of Assembly Novemb^r^ 1^st^ 1728.

Read the first and second time by an Especial order and will Pass

Signed ꝑ Order. M: Macnemara Cl. Lo. Ho:

And Sent to the Upper house by M^r^ Knight and M^r^ Hemsley who return and say they delivered the same.

Coll^o^ Ephraim Augustine Herman delivers to M^r^ Speaker a bill entituled an Act to make and emit fifty four thousand Pounds Currant Mony of Maryland in Bills of Credit and for easing the Inhabitants in the Payment of Tobacco Debts and for rendring the Staple of Tobacco more valuable and to raise a fund to sink the said Bills of Credit.

The Question being Put whether the said bill should be read or not.

L. H. J. Resolved in the Affirmative. Which being read was ordered to be thus indorsed (Viz.)

By the Lower House of Assembly Novembr 1st 1728

Read the first time and ordered to lie on the Table.

Signed ꝑ Order. M: Macnemara Cl. Up. ho:

The Question being Put whether the said Bill should have a second reading or not. Resolved in the Affirmative.

John Hall Esqr from the Upper House delivers to Mr Speaker the bill entituled an Act for Limitation of Officers fees thus Indorsed, (Viz.)

By the Upper house of Assembly October 29th 1728.

Read the first time and ordered to lie on the Table.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho.

p. 145 And the following Message (Viz.) [The text of this message is printed at page 159.]

p. 146 Collo Ward from the Upper house delivers to Mr Speaker the Bill entituled an Act to Appropriate part of the Land laid out in the City of Annapolis for the building a Custom house on to and for the building a Market house, thus indorsed (viz.)

By the Upper house of Assembly Octobr 31st 1728

Read the first time and ordered to lie on the Table.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho.

And (thus)

By the Upper house of Assembly Novr 1st 1728.

Read the second time and will Pass.

Signed ꝑ Order Geo. Plater Cl. Up. Ho:

The Paper Bill entituled an Act for the better regulating the Parishes in Saint Marys and Charles Countys thus Indorsed (Viz.)

By the Upper house of Assembly Novr 1st 1728.

p. 147 The ingrossed bill whereof this is the Originall is read and Assented to by this house.

Signed ꝑ Order Geo: Plater Cl: Up: Ho:

The Paper Bill entituled an Act for the releif of sundry poor Prisoners &c^a thus indorsed (Viz.) L. H. J.

By the Upper house of Assembly Novemb^r 1^st 1728

The ingrossed Bill whereof this is the Originall is read and Assented to by this House.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

And the Paper bill entituled an Act to Prevent the Abuses of Concealing convicted felons and other offenders imported into this Province and for the better discovery of them thus indorsed (viz.)

By the Upper house of Assembly Nov^r 1^st 1728.

The ingrossed Bill whereof this is the Originall is read and Assented to by this House.

Signed ꝑ Order Geo. Plater Cl. Up. Ho:

The Bill to appropriate part of the Land laid out in the City of Annapolis for the building a Custom house on to and for the building a Market house was read and Passed for ingrossing.

Benjamin Tasker Esq^r from the Upper house delivers to M^r Speaker the following Message (Viz.) [The text of this message is printed at page 160.]

Phillip Lee Esq^r from the Upper house delivers to M^r Speaker the following Message (Viz.) [The text of this message is printed at page 161.] p. 149

The following message being Prepared was ordered to be Entred thus (Viz.) [The text of this message is printed at page 161.]

Sent to the Upper house by Coll^o Gale and M^r Key who return and say they delivered the same. p 150

The House adjourns till to Morrow Morning 8 a Clock.

Saturday Nov^r 2^d 1728. November 2

The House met this day According to Adjournment. The Members were called over. All were Present as Yesterday. The Proceedings of Yesterday were read.

The following Message being Prepared was ordered to be Entred (thus) [The text of this message is printed at page 163.]

The Ingrossed Bill Entituled an Act to Supply some Defects in the Act Entituled an Act for the Encouragement of Learning and Erecting Schools in the Severall Countys within this Province and also to Explain an Act entituled an Act for laying an Additional duty of Twenty Shillings Curr^t Mony ꝑ Poll on all Irish Servants being Papists to prevent the Growth of Popery by the Importation p. 151

L. H. J. of too great a Number of them into this Province and also the Additionall Duty of twenty Shillings Currant Mony ꝑ Poll on all Negroes for raising a fund for the use of Publick Schools within the severall Counties of this Province was read and Assented to by this House, And sent to the Upper house by M^r^ Crabb and M^r^ Hemsley who return and say they delivered the same.

The Bill Entituled an Act for the repairing and Enlarging of the Church in the City of Annapolis and for the Building a Chappell of ease in the Parish of Saint Anns in Ann Arundell County and to empower the raising and Levying a Quantity of Tobacco for that Purpose being read was ordered to be thus indorsed (Viz.)

By the Lower House of Assembly Nov^r^ 2^d^ 1728.

Read the first and second time by an Especiall Order & will Pass.
Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Sent to the Upper House by M^r^ Beale and M^r^ Worthington who return and say they delivered the same.

The Ingrossed bill entituled an Act to appropriate Part of the Land laid out in the City of Annapolis for the building a Custom house on to and for the building a Market house was read and Assented to by this house and sent to the Upper house by M^r^ Gordon
p. 152 and M^r^ Thompson who return and Say they delivered the same.

Charles Calvert Esq^r^ from the Upper house delivers to M^r^ Speaker the Bill Entituled an Act for the repairing and enlarging the Church in the City of Annapolis and for the Building a Chappell of ease in the Parish of S^t^ Anns in Ann Arundell County and to Empower the raising and Levying a Quantity of Tobacco for that Purpose thus Indorsed (Viz.)

By the Upper House of Assembly Nov^r^ 2^d^ 1728

Read the first and second time by an Especiall order & will Pass.
Signed ꝑ Order Geo. Plater Cl. Up. Ho:

And the Paper Bill entituled an Act to supply some Defects in the Act Entituled an Act for the Encouragement of learning and Erecting Schools in the severall Countys within this Province and also to Explain an Act entituled an Act for laying an Additionall Duty of twenty Shillings Currant mony ꝑ Poll on all Irish Servants being Papists to Prevent the Growth of Popery by the Importation of two great a Number of them into this Province and also the Additional Duty of Twenty shillings Currant Mony ꝑ Poll on all Negroes for raising a fund for the use of Publick Schools within the severall Countys of this Province thus Indorsed (Viz.)

By the Upper house of Assembly Nov^r 2^d 1728. L. H. J.

The Ingrossed bill whereof this is the originall is read and Assented to by this House.

Signed ℘ Order Geo. Plater Cl. Up. Ho:

And the Bill entituled an Act repealing Part of an Act Entituled an Act concerning Tobacco made at a Session of Assembly begun and held at the City of Annapolis on Tuesday the Tenth day of October Seventeen hundred and twenty Seven thus Indorsed (Viz.)

By the Upper house of Assembly November 1^st 1728.

Read the first time and ordered to lie on the Table. p. 153

Signed ℘ Order. Geo. Plater Cl. Up. Ho.

And (thus) [The text of this endorsement is printed at page 164.]

Which Bill being read here w^th the Amendments Proposed was Passed for Ingrossing.

The Bill Entituled an Act to appropriate part of the Land laid out in the City of Annapolis for the Building a Custom house on to and for the Building a Market house was read here and Passed for Ingrossing.

Nicholas Lowe Esq^r from the Upper House delivers to M^r Speaker the following Message (Viz.) [The text of this message is printed at page 165.]

The Ingrossed Bill entituled an Act for the emproving the Staple of Tobacco was read and Assented to by this house and Sent to the Upper house by M^r George & three more Gentlemen. p. 154

John Hall Esq^r from the Upper House delivers to M^r Speaker the Paper bill entituled an Act to appropriate Part of the Land laid out in the City of Annapolis for the Building a Custom house on to and for the building a Market house thus indorsed (Viz.)

By the Upper house of Assembly Nov^r 2^d 1728.

The ingrossed Bill whereof this is the Originall is read & Assented to by this House.

Signed ℘ Order. Geo. Plater Cl. Up. Ho.

And the Paper Bill entituled an Act for emproving the Staple of Tobacco thus Indorsed (Viz.)

By the Upper house of Assembly Nov^r 2^d 1728.

The Ingrossed bill whereof this is the Originall is read and Assented to by this House.

Signed ℘ Order. Geo. Plater Cl. Up: Ho:

L. H. J. p. 155 The Ingrossed bill entituled an Act repealing Part of an Act entituled an Act concerning Tobacco made at a Session of Assembly begun and held at the City of Annapolis on Tuesday the tenth day of October one thousand Seven hundred Twenty and Seven was read and Assented to by this House; and Sent to the Upper house by M^r^ Taylor and M^r^ Wilson who return and Say they delivered the same.

The following Message being Prepared was Ordered to be Entred (thus) [The text of this message is printed at page 166.]

p. 156 Sent to the Upper house by Edmund Jennings Esq^r^ and M^r^ Hemsley who return and say they delivered the same.

The following Message being Prepared was ordered to be Entred (thus) [The text of this message is printed at page 167.]

Sent to the Upper house by M^r^ Beale and M^r^ Robins who return and say they delivered the same.

Phillip Lee Esq^r^ from the Upper House delivers to M^r^ Speaker the Paper bill entituled an Act repealing part of an Act entituled an Act concerning Tobacco made at a Session of Assembly begun and held at the City of Annapolis on tuesday the tenth day of October Seventeen hundred and Twenty Seven thus indorsed (Viz.)

By the Upper house of Assembly Nov^r^ 2^d^ 1728

The Ingrossed bill whereof this is the Originall is read & Assented to by this House

Signed ꝑ Order Geo. Plater Cl. Up. ho:

And the following Message (Viz.) [The text of this message is printed at page 167.]

p. 157 Coll^o^ Ward from the Upper House delivers to M^r^ Speaker the following Message (Viz.) [The text of this message is printed at page 167.]

The Ingrossed bill entituled an Act for the repairing and Enlarging of the Church in the City of Annapolis and for the Building a Chappell of Ease in the Parish of Saint Anns in Ann Arundell County and to Empower the raising and Levying a Quantity of Tobacco for that Purpose was read and Assented to by this house, and sent to the Upper House by M^r^ Gordon and M^r^ Worthington who return and Say they delivered the same.

Samuel Young and John Beale of Ann Arundell County Esq^rs^ and John Young of Saint Marys County Esq^r^ enter into bond of this day to the Right Honourable the Lord Proprietary in the Penal Sum of two thousand Pounds Sterling conditioned for the said Samuel Youngs faithfully discharging the Office of Treasurer of the Western Shore of this Province

p. 158 M^r^ Joshua George one of the Persons that undertook the Transcribing of the Records having entred into Bond Conditioned to repair one of the new books which was damnified in the binding, he having complyed therewith It is ordered by this house that the said Bond be delivered up to him. L. H. J.

The following Message being prepared was ordered to be Entred (thus) [The text of this message is printed at page 168.]

Sent to the Upper house by Coll° Gale and M^r^ Johnson who return and Say they delivered the same.

Coll° Belt from the Committee of Aggreivances delivers to M^r^ Speaker the Petition of Robert Elliot of Saint Mary's County Gentleman with this Indorsement (Viz.)

By the Committee of Aggreivances Nov^r^ 2^d^ 1728

Upon Considering the within Petition your Committee are of Opinion that it is an Aggreivance that any Person should be admitted to be Clerk of any County Court upon the Appointment of the Secretary, that knows nothing of the Business of Clerkship for such Clerks are not capable to direct their Deputy or know when they Comply with their Duty, all which is humbly submitted by your Committee to the Consideration of the house.

Signed ℘ Order. Nich. Hammond Cl. Com.

Which being read was ordered to be thus Indorsed (Viz.)

By the Lower House of Assembly Nov^r^ 2^d^ 1728.

Referred untill next Sessions

Signed ℘ Order. M. Macnemara Cl. Up. Ho.

The following Address being Prepared was Ordered to be Entred (thus) [The text of this address is printed at page 169.] p. 159

The Ingrossed Bill entituled a Supplementary Act to the Act for releiving the Inhabitants of this Province from some Aggreivances in the Prosecution of suits at Law was read and Assented to by this House, and sent to the Upper House by M^r^ George and M^r^ Thompson who return and say they delivered the same. p. 160

Charles Calvert Esq^r^ from the Upper House delivers to M^r^ Speaker the Paper Bill entituled an Act for the repairing & enlarging of the Church of the City of Annapolis and for the Building a a Chappell of Ease in the Parish of Saint Anns in Ann Arundell County and to Empower the raising and Levying a Quantity of Tobacco for that Purpose thus Indorsed (Viz.) p. 161

By the Upper House of Assembly Nov^r^ 2^d^ 1728.

The Ingrossed Bill whereof this is the Originall is read and Assented to by this House

Signed ℘ Order Geo. Plater Cl. Up. Ho.

L. H. J. And the following Message (viz.) [The text of this message is printed at page 168.]

And the Journall of Accounts thus Indorsed (Viz.) [The text of this indorsement is printed at page 168.]

p. 162 John Hall Esq^r^ from the Upper House delivers to M^r^ Speaker the Bill entituled an Act for Ascertaining the form of the Oath of Judge or Justice thus Indorsed (Viz.)

By the Upper House of Assembly Nov^r^ 2^d^ 1728

Read the second time and will Pass.

Signed ℘ Order. Geo. Plater Cl. Up. Ho.

Which bill being read here was Passed for Ingrossing.

Philemon Lloyd Esq^r^ from the Upper House delivers to M^r^ Speaker the Paper bill Entituled a Supplementary Act to the Act for releiving the Inhabitants of this Province from some Aggreivances in the Prosecutions of suits at Law thus Indorsed (Viz.)

By the Upper House of Assembly Nov^r^ 2^d^ 1728

The Ingrossed bill whereof this is the Originall is read and Assented to by this house

Signed ℘ Order Geo. Plater Cl. Up. Ho.

Edmund Jennings Esq^r^ and M^r^ George are sent to Acquaint the Governor that there is an Address prepared to him and desire to know if he is at Leasure to receive it who return and say the Governor will be at Leasure in half an hour to receive the same

p. 163 James Harris Esq^r^ Edmund Jennings Esq^r^ Coll^o^ Belt John Beale Esq^r^ M^r^ George M^r^ Magruder M^r^ Worthington and Coll^o^ Fendall are ordered to Attend the Governor with the Address who return and say they did Accordingly.

Phillip Lee Esq^r^ from the Upper House delivers to M^r^ Speaker the Bill Entituled an Act for Limitation of Officers fees thus Indorsed.

By the Upper House of Assembly Octob^r^ 29^th^ 1728

Read the first time and ordered to lie on the Table

Signed ℘ order Geo. Plater Cl. Up. Ho.

And (thus)

By the Upper House of Assembly November 2^d^ 1728.

Read the second time and will pass.

Signed ℘ Order Geo. Plater Cl. Up. Ho:

Which bill being read here was passed for Ingrossing

The following Message being Prepared was ordered to be entred (thus) [The text of this message is printed at page 171.] L. H. J.

Sent to the Upper House by John Beale Esq^r and Major Robert Hanson who return and Say they delivered the same p. 164

Ordered that Samuel Young Esq^r Pay the Governor one hundred and fifty Pounds Sterling.

The mony Journall of this Assembly being read was ordered to be thus Indorsed (Viz.)

By the Lower House of Assembly Nov^r 2^d 1728

Read the first and second time by an Especiall order and will Pass.
Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

The following Message being Prepared was ordered to be Entred (thus) [The text of this message is printed at page 172.]

Sent to the Upper House together with the mony Journall by John Beale Esq^r and M^r Gordon who return and Say they delivered the same.

Nicholas Lowe Esq^r from the Upper House delivers to M^r Speaker the following Message (Viz.) [The text of this message is printed at page 171.]

The Ingrossed Bill entituled an Act for Limitation of officers fees was read and Assented to by this House and sent to the Upper House by M^r Crabb and M^r Chamberlain who return and say they delivered the same. p. 165

John Hall Esq^r from the Upper house delivers to M^r Speaker the mony Journall thus Indorsed.

By the Upper house of Assembly Nov^r 2^d 1728.

Read the first and second time by an Especiall order and will Pass.
Signed ꝑ Order. Geo. Plater Cl. Up. Ho.

And the following Message (Viz.) [The text of this message is printed at page 172.]

The Ingrossed Bill entituled an Act for ascertaining the form of the Oath of Judge or Justice was read and Assented to by this house and sent to the Upper house by Edmund Jennings Esq^r and M^r Magruder who return and say they delivered the same.

The Bill Entituled an Act for the Payment and Assessment of the Publick Charge of this Province for this Present year 1728 being read was ordered to be thus indorsed (Viz.)

By the Lower House of Assembly Nov^r 2^d 1728.

Read the first and Second time by an Especiall Order and will Pass
Signed ꝑ Order M. Macnemara Cl. Lo. Ho:

L. H. J. p. 166 Sent to the Upper House by M^r^ Walter Smith of Leonards Creek and M^r^ Robins who return and say they delivered the same.

Ordered that the Committee appointed to lay the Publick Levy allow the Secretarys fees Provided he Charges them according to the reduction in 1725.

Nicholas Lowe Esq^r^ from the Upper House delivers to M^r^ Speaker the Bill entituled an Act for the Payment & Assessment of the Publick Charge of this Province for this Present year 1728 thus Indorsed (Viz.)

By the Upper House of Assembly Nov^r^ 2^d^ 1728

Read the first and second time by an Especiall Order and will Pass.

Signed ꝑ Order Geo: Plater Cl. Up. Ho.

Which was read here and passed for ingrossing.

Coll^o^ Ward from the Upper house delivers to M^r^ Speaker the Paper bill entituled an Act for Limitation of Officers fees thus indorsed (Viz.)

By the Upper House of Assembly Nov^r^ 2^d^ 1728

The Ingrossed Bill whereof this is the Originall is read and Assented to by this house.

Signed ꝑ Order. Geo. Plater Cl. Up. Ho:

And the Paper bill entituled an Act for ascertaining the form of Oath of Judge or Justice thus indorsed (Viz.)

By the Upper house of Assembly Nov^r^ 2^d^ 1728

The Ingrossed Bill whereof this is the Originall is read and assented to by this house.

Signed ꝑ Order Geo. Plater Cl. Up. Ho.

p. 167 The ingrossed Bill entituled an Act for the Payment and Assessment of the Publick Charge of this Province for this Present Year 1728 was read and Assented to by this house and sent to the Upper house by John Beale Esq^r^ and Captain Gordon who return and say they delivered the same.

Benjamin Tasker Esq^r^ from the Upper house delivers to M^r^ Speaker the Paper Bill entituled an Act for the Payment and Assessment of the Publick Charge of this Province for this Present Year 1728, thus Indorsed (Viz.)

By the Upper house of Assembly Nov^r^ 2^d^ 1728 L. H. J.

The Ingrossed bill whereof this is the originall is read and Assented to by this house.

Signed ꝑ Order. Geo. Plater Cl. Up. ho:

Nicholas Lowe Esq^r^ from the Upper house delivers to M^r^ Speaker the following Message (Viz.) [The text of this message is printed at page 174.]

Thereupon John Beale Esq^r^ and M^r^ Phillip Key are sent to the Upper house to see the Laws sealed who return and say they saw the same done.

James Harris and James Hollyday Esq^rs^ are Sent to acquaint the Governor that no Publick business lies before this house now to transact who return and say They delivered their Message.

The House Proceeds to tax the fees on the following Bills (Viz.) p. 168

		£. s. d.
On Sarah Masseys Bill	To the Honble Speaker	2: 0: 0
	To the Clerk on D^o^	1: 0: 0
On William Raymans Bill	To the Honble Speaker	1: 0: 0
	To the Clerk on D^o^	0:10: 0
On Francis Garterills Bill	To the Honble Speaker	1: 0: 0
	To the Clerk on D^o^	0:10: 0
On Edward Parishe's Bill.	To the Honble Speaker	1:00: 0
	To the Clerk on D^o^	0:10: 0
On Coll^o^ Herman's Bill	To the Honble Speaker	1:00: 0
	To the Clerk on D^o^	0:10: 0

Coll^o^ Ward from the Upper house acquaints M^r^ Speaker that the Governor requires him and the whole house to Attend him immediately in the Upper house.

Thereupon M^r^ Speaker and the Whole house go to the Upper house where M^r^ Speaker Presented to the Governor the severall ingrossed bills following (Viz.) [The text of this list is printed at page 174.]

All which the Governor Passed into Laws by sealing them with the Right Honourable the Lord Proprietary his greater Seal at Arms and severally thus indorsing them (Viz.) p. 171

Nov^r^ 2^d^ 1728

On behalf of the Right Honourable the Lord Prop^ry^ of this Province I will this be a Law.

Bened^t^ Leon^d^ Calvert.

L. H. J. Except the Act for Limitation of Officers fees of which the Governor would be Advised.

After which the Governor was Pleased to make the following Speech, (Viz.) [The text of this speech is printed at page 176.]

p. 172 After which the Governor with the Advice of his Lordships Councill was Pleased to Prorogue this Assembly to the second Tuesday of March next.

Thereupon M^{r} Speaker with the rest of the Members return to the Lower house where M^{r} Speaker reassumed his Chair and repeated what the Governor had done and said.

Whereupon this House accordingly Prorogues it Self to the second tuesday of March next.

So endeth this first Session of Assembly this 2^{d} day of November 1728

Test

M. Macnemara Cl. Lo: Ho:

ACTS

At a Session of Assembly begun and held at the City of Annapolis, in the County of Ann-Arundel, for the Province of Maryland, on the Third Day of October, and ended the 2d Day of November, in the 14th Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. Annoq; Domini 1728, were Enacted the following Laws, viz.

Session Laws printed by William Parks, 1728

An Act for ascertaining the Form of the Oath of Judge or Justice. Chap. I

p. 1 [The Proprietary dissented]

Whereas the Oath of Judge or Justice, (appointed to be taken by the Statute of the Eighteenth of Edward the Third) does not in many Particulars provide for the Constitution of this Province, nor suit the Circumstances of any other Proprietary Government:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That at some convenient Time, after the End of this present Session of Assembly, and before the last Day of March next, the following Oath shall be taken, as the proper Oath of Office, by the Members of the Court of Appeals, as Judges to correct Errors in Judgments and other Proceedings at Law, the Justices of the Provincial and County Courts, and the Mayor, Recorder, and Aldermen of the City of Annapolis, for the Time being, changing only what is to be changed, according to the different Stations of such Magistrates, viz.

" You shall swear, That as a Justice of the Provincial Court of " Maryland, in all Articles of his Lordship's Commission to You di-" rected, You shall do equal Law and Right to all the King's Sub-" jects, rich and poor, according to the Directions of the Acts of " Assembly of this Province, so far forth as they provide; And, " where they are silent, according to the Laws, Statutes, and reason-" able Customs of England, agreeable to the Usage and Constitution " of this Province; and not delay any Person of Common Right, " for any Cause or Pretence whatsoever: And in case any Letters, " or other Commandments, shall come to You, contrary to Law, " that You do nothing by them, but cause them to be entered on " Record, and certify the King, the Lord Proprietor, or the Gover-" nour (for the Time being,) of them, and proceed to execute the " Law, notwithstanding the same Letters, or Commandments: That

Session Laws "you shall hold your Courts according to the Acts of Assembly, "and the Directions in your Commission: That you shall do and "procure the Profit of the Lord Proprietor, in all Things where "you may lawfully and reasonably do the same, And that you shall "not debar or hinder the Prosecution of Justice; nor take any Gift, "Bribe or Fee, for delaying, or rendering Judgment; but shall behave yourself justly, honestly and faithfully, to the best of your "Knowledge and Understanding, so long as You shall continue in "the said Office." So help you God.

p. 2 And be it likewise Enacted, That the same Oath shall be taken by the Members of the Court of Appeals, as Judges to correct Errors in Judgments, and other Proceedings at Common Law, the Justices of the Provincial and County-courts, and the Mayor, Recorder and Aldermen of the City of Annapolis, for the Time being, as their proper Oath of Office, to be administred as hath been heretofore used; and that the same be administred to the Members of the Court of Appeals, as Judges to correct Errors in Judgments, and other Proceedings at Common Law; the Justices of the Provincial and County-courts, and the Mayor, Recorder, and Aldermen of the City of Annapolis, now in being, by Virtue of, and according to the Directions of the several Commissions, Writs of Dedimus Potestatem, or the other Authorities that the late Form of their Oath of Office was administred by: And that after the last Day of March next, none of the Members of the Court of Appeals, as Judges to correct Errors in Judgments, and other Proceedings at Common Law, nor the Justices of the Provincial or County-courts, nor the Mayor, Recorder, and Aldermen of the City of Annapolis, be capable of acting in their respective Stations, without having first taken and continuing under the Obligation of the said Oath, as their proper Oath of Office, in Manner aforesaid.

Provided, That if the Judges in the High Court of Appeals, Provincial Courts, and Courts of Assize, take the said Oath at any time before they proceed to the Judicial Determination of any Matters of Law in their respective Courts, the same shall be taken as a full Compliance with the Directions of this Act; anything herein before contained to the contrary, in any wise notwithstanding.

Chap. II [The Proprietary dissented]

An Act for Improving the Staple of Tobacco.

Whereas it is Evident, to this General Assembly, That unless some Provision be made for the Improvement of the Staple of Tobacco, the People of Maryland, whose present Dependance is on the Produce of that Commodity, must be inevitably reduc'd to want common Necessaries, or to fall upon some other Ways and Means, however difficult, to supply themselves:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's

Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every labouring Taxable Person, and Overseer, within this Province, have Liberty to tend Seven Thousand Plants of Tobacco, and no more, (except as is hereafter excepted;) and that all Male or Female labouring Persons, above Twelve, and under Sixteen Years of Age, have Liberty to tend Three Thousand Five Hundred Plants of Tobacco, and no more, upon any Plantation or Plantations, in any one Year, during the Continuance of this Act. Session Laws

Provided always, That all Male Persons, being Housekeepers and Planters, and not having any Taxable Servant or Slave, and all Widows, and all Femes Sole, having Land, and being Housekeepers, and not having more than one Taxable Person, shall have Liberty to tend for themselves Ten Thousand Plants of Tobacco; for every Male or Female labouring Person, between Twelve and Sixteen Years of Age, to them belonging, the Liberty of tending on his or her Plantation, Five Thousand Plants of Tobacco, and no more; and for every white Woman, belonging to such Housekeepers Five Thousand Plants, and no more; and that no such Housekeeper have any Allowance for more than Two white Women. p. 3

And for the better explaining what Sort of labouring Taxables and others, are intended by this Act, to be restrained from making Tobacco,

Be it enacted, and declared, That no Master of a Family, keeping an Overseer, and having Six Taxable Servants or Slaves, that work in Tobacco, or any Master of a Family, keeping no Overseer, having Six Taxable Servants or Slaves, that work in Tobacco, or any Servant or Slave, being a Tradesman, who shall at any Time between the First Day of April and the First Day of September, work at his or their Trade or Trades, upon the Plantation or Plantations of his or their Master or Mistress, or shall at any Time or Times whatsoever, work at such Trade or Trades, upon the Plantation or Plantations, of any other Person or Persons, or any Servant or Slave, who shall at any Time between the First Day of April, and the First Day of September, be imployed as Coachman, Groom, Waitingman, Cook, Dairy-maid, or in any other Domestick Office, or Service, in, or about the Dwelling House of his or her Master or Mistress, and white Women, (except as before excepted) shall be allowed to plant any Tobacco.

And be it further enacted by the Authority aforesaid, That the Vestry of every Parish within this Province, shall every Year, during the Continuance of this Act, upon the Fifteenth Day of May, Yearly, (if the same be not Sunday, and if it shall so happen, then on the next Day after,) lay out their respective Parishes into Precincts, and appoint Two Persons in each Precinct, to examine and enquire of the Names, and Number of the Persons hereby allowed

Session Laws to tend Tobacco, and the Crops of the several Planters within the said Precinct, and the Number of Plants growing on any and every Plantation or Plantations within the same, and on the Twentieth Day of the Month of July, Yearly, to begin to cut, or cause to be cut up and destroyed, all Stalks, Slips and Suckers, within such Precinct; and to proceed therein as there shall be Occasion.

Which Persons so appointed, are hereby enjoyned carefully to review and examine all the several Fields and Places, whereon Tobacco shall be tended, within their several Precincts, two respective Times at the least, after the Plants thereon growing have been by them counted, and as often thereafter as they shall judge necessary, in Order to discover whether any Slips or Suckers shall be turned out or tended, from the Stalks whence any Tobacco plant hath been before cut; and shall take an Oath, (or Affirmation, if a Quaker) before some Justice of the Peace, of the County wherein they reside; which Oath (or Affirmation, if a Quaker) the said Justice is hereby impower'd to administer, in the Words following, viz.

"I A B, Do swear, (or affirm) That I will carefully, diligently "and truly examine and enquire of the Names and Numbers of all "Persons allowed to tend Tobacco within my Precinct; and truly "" and faithfully number and count the Plants growing, or that have "been tended on every Plantation within the same: And faithfully "and diligently, will review and examine all the several Fields and "Places, where all such Tobacco-plants are tended; and cut up and "destroy, or cause to be cut up and destroyed, all Stalks from which "any Tobacco shall be cut or taken, and all slips and Suckers, grow- "ing from or out of the same, above the Height of Nine Inches from "the Ground, and which I shall find standing or growing in any of "the Fields or Places aforesaid, according to the Directions of the "Act of Assembly, For Improving the Staple of Tobacco. And that "I will duly execute all the Powers and Authorities given by the "said Act, and make a just and true Report of my Proceedings "therein, without Favour, Affection, or Partiality: And that I will "make Information of all such Persons who shall be guilty of any "Breach of the said Act, in any Matter or Thing in which a Coun- "ter is required to examine and enquire, to some Justice of the Peace p. 4 "for the County wherein the Offence shall be committed, within one "Month after it shall come to my Knowledge."

And if any Person, appointed by the Vestry of any Parish, to view, examine, and number Tobacco-plants, and to cut up and destroy Tobacco-Stalks, Slips and Suckers, in Pursuance of this Act, shall refuse to accept the said Office, and take the Oath beforementioned, (or Affirmation if a Quaker) every Person so refusing, shall forfeit and pay One Thousand Pounds of Tobacco, or Five Pounds current Money:

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And in case the Vestry-men of any Parish shall fail to meet, on the Fifteenth Day of May, or the next Day after, if the Fifteenth Day of May, aforesaid, happen on a Sunday, or shall refuse to do his Duty at such Vestry, so that there shall not be a sufficient Number to hold a Vestry, every such Vestry-man, so failing to meet, or refusing to act in such Vestry, shall forfeit and pay the Sum of Twenty Pounds current Money. And such Vestry are hereby required to meet for the Purpose aforesaid, within Seven Days after such Failure: And every Vestry-man who shall then fail to meet, or shall refuse to do his Duty at such Vestry, so that no Vestry is or can be held, shall forfeit and pay the Sum of Thirty Pounds current Money. And to the End the Duty of numbering and examining Tobacco Plants, and the other Services herein beforementioned, may not be neglected thro' the Want of due Notice to the Persons appointed to perform the same.

Be it Enacted by the Authority aforesaid, That the Clerk of the Vestry of each Parish, shall immediately after the Nomination of the Persons appointed for examining and numbering the Plants of Tobacco, deliver to each and every of them, a Copy of the Order for their Appointment, and shall then demand, Whether they will accept of the said Office? And if any of the Persons so appointed shall refuse, the Clerk of the Vestry shall give immediate Notice thereof, to one of the Church-wardens of the said Parish, who is hereby directed and required, forthwith to call a Vestry to meet on the next Monday following such Notice; which Vestry so called, are hereby directed to nominate and appoint other fit Persons in the room of such as shall refuse the Office of examining and counting the Tobacco-plants as aforesaid; And if any of the Persons nominated as aforesaid, shall afterwards become Disabled, before he hath performed the Duty hereby required of him, the Person joined with him for that Precinct, shall give Notice of such Disability, to one of the Church-wardens of the Parish, within Two Days after the same shall come to his Knowledge: And every Neglect therein, shall be deemed and taken, and be liable to the like Penalty as a Refusal to accept the Office of numbering and examining Tobacco-plants: And, if upon the Refusal or Disability of any of the Persons appointed in any Parish, to examine and number Tobacco-plants as aforesaid, the Vestry of such Parish shall fail to meet and appoint others in the room of those so refusing or disabled, according to the Directions herein beforementioned, every Vestry-man who shall then fail to meet, or refuse to do his Duty at such Meeting, so as no Vestry can be held, shall forfeit and pay the Sum of Thirty Pounds Current Money. And every Church-warden, or Clerk of the Vestry, neglecting or refusing to do what they are required by this Act to do and perform, shall, for every such Refusal or Neglect, forfeit the Sum of Twenty Pounds Current Money. p. 5

Session Laws

Provided Nevertheless, That if any of the Persons appointed to put this Act in Execution, be hinder'd by Sickness, or other extraordinary Accident, which he could not prevent, and make the same appear to the County-court, that he shall not be liable to any of the Penalties contain'd in this Act.

And for the Encouragement of the Persons nominated and appointed as aforesaid, for examining and numbering the Plants of Tobacco, and for cutting up and destroying Tobacco-stalks, Slips, and Suckers, in Pursuance of this Act,

Be it enacted by the Authority aforesaid, That there shall be levied on the Taxable Persons in each County, (during the Continuance of this Act.) Five Pounds of Tobacco for every Seven Thousand Plants, and porportionably for a lesser or greater Quantity, which shall be tended and left standing within the said County, to be distributed to the respective Persons appointed by this Act, to view and number the Plants of Tobacco, in Proportion to the Number of Plants viewed and numbered by them in their respective Precincts: Which said Levy of Five Pounds of Tobacco, the Court of each County within this Province, is hereby impowered and required to assess on the Taxable Inhabitants; and the Sheriff, or other Collector of the County Levy, to pay the several Persons to whom the same shall be due, in the Parish wherein they respectively reside; unless such Person shall be content to take the same in some other Parish within the County. And for every Hundred of Tobacco-stalks, which shall have any Sucker or Slip growing thereon, of the Height of Nine Inches from the Ground, which such Person or Persons shall so cut up and destroy, there shall be paid to him or them, by the Owner of such Tobacco-stalks, or his or her Overseer, Twenty Pounds of Tobacco, and so porportionably for a lesser Quantity; to be recovered with Costs, before any Justice of the Peace of the County wherein the said Tobacco-stalks shall be so cut up.

And for the better Direction of the Persons appointed for numbering the Plants of Tobacco,

Be it Enacted by the Authority aforesaid, That the Two Persons nominated and sworn in each Precinct, shall jointly repair to the several Plantations, and there take the Number of Tobacco-plants, by counting the several Plants contained in every respective Piece of Tobacco-ground in the best Manner, and by such Methods and Rules, as in their Judgment may best discover the true Quantity, having Regard to regular and irregular Pieces of Tobacco-ground.

And if at any time hereafter, any more Plants of Tobacco than are hereby allowed, shall by the Persons appointed to view and number the same, as aforesaid, be found planted or tended, on any Plantation or Plantations, whatsoever, the Owner or Overseer of such Plantation, shall immediately, in the Presence of the Person or

Persons appointed to examine and number the same, cut up, or cause to be cut up and destroyed, so many Plants as shall exceed the Number herein before allowed, in such Place or Places of the said Tobacco grounds, as the said Owner or Overseer shall think fit. And in case the Owner or Overseer of any such Plantation, shall refuse and fail so to do, the said Persons so appointed to examine and number, as aforesaid, be and are hereby impowered and required to cut up, or cause the same to be cut up and destroyed; and shall have and receive as a Reward for so doing, Twenty Pounds of Tobacco, for every Hundred Plants of Tobacco that shall be so cut up and destroyed by them; to be paid by the Owner or Overseer of such Plantation where such Offence shall be committed; and upon due Proof thereof, made by the Oaths of the Persons appointed as aforesaid, shall and may be recovered before any Justice of the Peace of the County where such Offence shall be committed. And the Persons so to be appointed to examine and number as aforesaid are hereby required to make a true Report of their Proceedings, and Number of Plants on each Plantation, in their respective Precincts, to the Clerk of the Court for that County wherein the said Precincts respectively lie, on or before the Tenth Day of August Yearly. Session Laws p. 6

And be it further Enacted by the Authority aforesaid, That each Person so appointed and sworn, to examine and number Tobacco-Plants, and to cut up and destroy Stalks, Slips, and Suckers, as aforesaid, failing to make such Report of their Proceedings, as aforesaid, shall forfeit and pay Two Thousand Pounds of Tobacco for every such Offence: And if the said Persons so appointed to examine and number, and to cut up and destroy Stalks, Slips, and Suckers, as aforesaid, shall (knowingly) allow any Person whatsoever, to plant or tend, on his or her Plantation, any more Plants of Tobacco than are herein and hereby before allowed, or to tend any Seconds, Slips, or Suckers; each Person so offending, shall forfeit and pay Two Thousand Pounds of Tobacco for every such Offence.

And be it further Enacted, by the Authority aforesaid, And it is hereby Enacted That the Clerk of every County-court, shall (without Fee or Reward) fairly transcribe all such Reports as shall be returned to him by the Persons appointed in Pursuance of this Act, for numbering of Plants of Tobacco, and shall set up the same in the Court-house of the said County, at the two next succeeding Courts after such Return, so as the same be made Three Days at least before the Court Day; and shall also file and keep the original Reports in his Office: And where it shall so happen, that any Parish shall lie in two Counties, in such Case a Return shall be made of the Number of Plantations and Plants in each County, to the Clerk of the County wherein such Plantations shall lie, to be transcribed and set up and filed by the Clerk of such County, in Manner afore-

Session Laws said; and the Clerk of any County, failing to do his Duty herein, shall forfeit and pay one Thousand Pounds of Tobacco.

Provided always, That where any Plantation shall be in two Parishes, the Tobacco-plants tended thereon, shall be accounted and taken to be within that Parish or Precinct where the Servants or Slaves employed thereon, do reside, or the Quarter for them is situated; and the Persons appointed within that Precinct where such Quarter stands, and no other, shall view, examine, count and make Return of the Tobacco-plants tended on such Plantations accordingly.

Be it Enacted, by the Authority aforesaid, That all Masters of Families and Housekeepers, and all Overseers of distant Plantations, shall give in to the Constables appointed to take the List of Taxables Yearly, when they give in an Account of their Taxables, a true Account of the Names of every Person above Twelve, and under Sixteen Years of Age, for whom any Benefit of tending Tobacco is allowed by this Act; and shall so distinguish in his or her List of Taxables, which of the Persons therein mentioned are allowed to tend Tobacco, as aforesaid. And every Master of a Family, Housekeeper, or Overseer, failing so to do, shall forfeit and pay One Thousand Pounds of Tobacco for each Person: And if any Person shall list or enter with the said Constable, any Person under Sixteen Years of Age for a Taxable, or that is under Twelve Years of Age, to be above that Age, or a Labourer in his or her Crop, who is not hereby allowed to tend Tobacco; in either Case the Person so offending, shall forfeit and pay One Thousand Pounds of Tobacco, for every such Person so falsly entered or listed: And every Constable who shall be hereafter appointed to take the List of Taxables, is hereby directed and required to take and make separate Lists of the Names of all such Persons above Twelve, and under Sixteen Years of Age; and shall return such Lists in the same Manner as the List of Taxables are returnable, to the Clerk of each respective County-court, at or before the Fifteenth Day of May, p. 7 Yearly, during the Continuance of this Act; and shall make such Distinction in the List of Taxables, by him returned, of the Persons not prohibited by this Act to tend Tobacco.

And be it further Enacted, by the Authority aforesaid, That each Person to be appointed, in Pursuance of this Act, to examine and number Plants, as aforesaid, who shall plant and tend more Tobacco-plants, on any Plantation or Plantations to him belonging, than is herein before allowed, shall, for every such Offence, forfeit and pay One Thousand Pounds of Tobacco for every Person above Twelve Years of Age, on his Plantation, that shall be employed in making Tobacco. And if any Master, Mistress, or Overseer, shall refuse to give a just and true Account, or shall deliver a false Account of the Names of the several Persons by this Act allowed to tend Tobacco on their said Plantation or Plantations, and to shew all the Tobacco planted thereon, or remaining in any Tobacco-beds or Plant-patches, to the Persons appointed to view the same; every Master, Mistress, or Overseer, so refusing or giving a false Account, shall forfeit and pay One Thousand Pounds of Tobacco for every Person above Twelve Years of Age, employed in making Tobacco on any such Plantation that Year.

And be it further Enacted, by the Authority aforesaid, That where any Suit shall be brought for the Penalties in this Act contained; for Entering or Listing any Person under Sixteen Years of Age, a Taxable, or that is under Twelve Years, to be above that Age, the Age of the Person so Listed, shall be proved and determined by the Parish Register, or by the Order of the Court, in case the Age of such Person hath been formerly judged there; or by the Inspection of the Court, upon the Trial, and not otherwise.

And be it further Enacted, by the Authority aforesaid, That no Person or Persons whatsoever, shall transfer or make over, to any other Person or Persons, any Tobacco-plants, which he, she or they shall have growing on his, her or their Plantation or Plantations, above the Quantity or Quantities allowed by this Act to be tended; or shall be allowed to tend, for any labouring Taxable, or Worker in Tobacco, any Number of Tobacco-plants whatsoever, in any other Precinct than where such Taxable or Worker in Tobacco was listed.

And be it further Enacted, That all Penalties and Forfeitures in this Act, shall be applied to the Uses, and recovered in the Manner following, that is to say, The Moiety of all the Penalties to him or them that will prosecute or sue for the same; and the other Moiety to defray the County Charge where the Offence shall be committed. And that all Penalties, not exceeding Four Hundred Pounds of Tobacco, shall be heard, try'd and determin'd by a Justice of the Peace, as in case of small Debts. And that all Penalties and Forfeitures exceeding Four Hundred Pounds of Tobacco, shall be recoverable in the respective County Courts, where the Offence shall be committed, by Action of Debt, Bill, Plaint, or Information, Presentment or Indictment; wherein no Essoyn, Protection, or Wager of Law, shall be allowed.

And be it further Enacted, That the Magistrates of the County-courts, shall give in Charge to the several Grand-Juries, to inquire into the Behaviour of all Persons appointed to put this Act in Execution; and the Court may, upon any Presentment by the Grand-Jury, if they think fit, oblige the Party presented, to answer such Presentment, without any formal Indictment; and that if upon Confession or Verdict, the Party shall be convict, or that if the Party shall be convict on any Action, Bill, Plaint, Information, or Indictment, the Court shall proceed to Judgment, which Judgment shall

Session Laws be final; and no Writ of Error or Appeal allowed therein, nor any Advantage taken or allowed, for any Defect, or Want of an Indictment, or any other Form in the Proceedings; any Law, Usage or Custom to the contrary, notwithstanding.

p. 8 And for the Ease of the People, in paying and discharging all Publick and County Levies, Parochial and other Charges, assessed and levied on the People, and Lawyers Fees, payable in Tobacco, during the Continuance and Effect of this Act, and of all Tobacco Debts that shall be due and owing on the Tenth Day of August, next ensuing, for any Debt contracted before the End of this Session: Be it Enacted That all Persons being indebted as aforesaid, for Publick and County Levies, Parochial and all other Charges assessed and levied on the People, (except accidental Charges to be allowed during the Continuance and Effect of this Act, wherein Care may and ought to be taken at the same time the Allowance shall be made) and Lawyers Fees, may pay the Whole, or any Part thereof, at Ten Shillings Current Money per Cent; and so in Proportion, at or before the Tenth Day of April, Yearly, during the Continuance of this Act; or Three Fourth Parts thereof, in Tobacco in Specie, in full Discharge and Satisfaction of the Whole, at the Choice of the Debtor;

And that all Persons being indebted in Tobacco, to any of the Inhabitants of this Province, at or upon the Tenth Day of August next ensuing, for any Debt contracted before the End of this Session of Assembly, and which shall not be payable 'till some Time afterward; it shall and may be lawful for the Debtors, in all such Cases, during the Continuance of this Act, to pay Three Fourths of such Tobacco, in Lieu of the Whole.

And be it Enacted, That the several Sheriffs, shall and may, by Virtue of this Act, have until the last Day of June, Yearly, during the Continuance and Effect of this Act, to return the several Lists of Officers and Lawyers Fees, and other Publick and County Allowances, and other Tobacco Demands; and to make their Accounts thereof: And that the several Sheriffs returning the said Lists, and making up the said Accounts, at or before the last Day of June, Yearly, as aforesaid, shall be deem'd as full a Compliance with their Duty, in that Particular, as if the said Returns had been made, and Accounts made up, by the Tenth Day of May; any Law, Usage, or Custom to the contrary, notwithstanding.

And be it further Enacted, That all Persons, paying Money, in Discharge of Tobacco, or Three Fourths of their Tobacco-Debts in Specie, as aforesaid, shall be fully exonerated and acquitted from the Whole, by Virtue of this Act.

And be it likewise Enacted, That all Debtors, tendering Money, or Three Fourths in Tobacco, according to the Directions of this

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Act, shall have the same Benefit and Advantage, as in case of a Tender of the Whole in Specie.

Providied always, and it is the true Intent and Meaning of this Act, That no Deduction or Allowance shall be made for any of the aforemention'd Tobacco debts, that are due and payable, and shall be paid out of the present Crop now made: But that all such Debts shall be and remain under the same Circumstances as they would have been, had this Act never been made

This Act to continue till the last Day of May, which shall be in the Year of our Lord, One Thousand Seven Hundred and Thirty Two.

Chap. III
p. 9
[Repeals 1715, ch. 18]

An Act to repeal an Act, entituled, An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat or other Indian or English Grain, or Meal; Horses, Mares, Colts, or Fillies; from Pensilvania, and the Territories thereto belonging.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, the Upper and Lower Houses of Assembly, and by the Authority of the same, That an Act of Assembly, made at a General Assembly, begun and held at Annapolis, the Six and Twentieth Day of April, in the First Year of the Reign of George the First, late King of Great-Britain, &c. Entituled, An Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other Indian or English Grain, or Meal; Horses, Mares, Colts, or Fillies, from Pensilvania, and the Territories thereto belonging; shall be and is hereby repealed, abrogated, and made null and void.

Chap. IV
[Supplement to 1715, ch. 44]

A Supplementary Act to the Act, entitled, An Act relating to Servants and Slaves.

Whereas by the Act of Assembly relating to Servants and Slaves, there is no Provision made for the Punishment of Free Mulatto Women, having Bastard Children by Negroes and other Slaves; nor is there any Provision made in the said Act, for the Punishment of Free Negro Women, having Bastard Children by White Men: And forasmuch as such Copulations are as unnatural and inordinate as between White Women and Negro Men, or other Slaves;

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assembly, that all such Free Mulatto Women, having Bastard Children, either within, or after the Time of their Service, and their Issue, shall be subject to the same Penalties that White

Session Laws Women and their Issue are, for having Mulatto Bastards, by the Act entitled, An Act relating to Servants and Slaves.

III. And be is further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That from and after the End of this present Session of Assembly, that all Free Negro Women, having Bastard Children by White Men, and their Issue, shall be subject to the same Penalties that White Women are, by the Act aforesaid, for having Bastards by Negro Men.

IV. And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the same Method of Proceeding to Judgment, upon any Matter within this Act, be the same as is prescribed by the Act entitled, An Act relating to Servants and Slaves.

Chap. V [Supplement to 1702, ch. 1; the Proprietary dissented by proclamation dated May 7, 1730]

A Supplementary Act to the Act, entituled, an Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the Maintainance of Ministers:

Whereas by the Act entituled, An Act for the Establishment of Religious Worship in this Province, according to the Church of England, and for the Maintainance of Ministers, Select Vestries in each Parish of this Province, are directed to be chosen in the Manner, and with the Qualifications mentioned by the said Act, and Two new Vestry-Men Annually chosen, in the Place of two others, who should be left out: But that no Provision is made by the said Act for obliging such Person or Persons who should be chosen by Virtue of the aforesaid Act, as a Vestry-Man or Vestry-Men, to serve and act in the Duty and Office of a Vestry-Man or Vestry-Men; nor any Directions prescribed by the said Act, in what Order or Method the two Vestrymen directed by the said Act to be Annually left out, should be so left out, p. 10

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons, shall, after this Sessions of Assembly, be chosen and elected by Virtue of the aforesaid Act, as a Vestry-Man, or Vestry-Men, in any Parish of this Province, and being so chosen, or elected, shall (after convenient Notice thereof to him or them given, by the Register of the respective Parish or Parishes, where he or they shall be so chosen and elected, as aforesaid,) refuse or neglect to repair to, and be present at the next Meeting of such Vestry or Vestries, and there qualify him or themselves, as such Vestry-Man or Vestry-Men, without a reasonable Excuse, after such Notice given to them as aforesaid; and Notice of such Meeting to be given to him or them by the said Register, who is hereby directed and required to give such Notice, under the Penalty and Forfeiture of One Thousand Pounds of Tobacco;

that then every Vestry-Man so refusing, or Neglecting as aforesaid, shall forfeit and pay the Quantity of One Thousand Pounds of Tobacco; and the two Vestry-Men mentioned by the said Act, to be Annually left out, shall, and are hereby directed to be the two eldest Vestry-Men; and which said two Vestry-Men so left out as aforesaid, or either of them, shall not be liable to be chosen, or obliged to serve as a Vestry-Man or Vestry-Men, for the Space of Three Years ensuing the Time of their being left out, as aforesaid. Session Laws

And it is hereby further Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for the Vestry or Vestries, and they are hereby impowered and directed to proceed to the Choice and Election of some other Person or Persons to be Vestry-Man or Vestry-Men, in the Place or Stead of such Person or Persons so chosen Vestry-Man or Vestry-Men, and refuseing or neglecting as aforesaid: And the former Choice of such Person or Persons as Vestry-Man or Vestry-Men refuseing or neglecting, shall be void, and of none Effect.

And it is hereby further Enacted, by the Authority aforesaid, That the Minister, Rector, and Incumbent of each Parish, in this Province, shall, for his or their Neglect to meet, and Non-Attendance at the Vestry or Vestries hereafter to be held, in his or their Parish or Parishes, without a reasonable Excuse, be liable to, and incur the same Penalties and Forfeitures as a Vestry-Man or Vestry-Men are liable to, by Virtue of the aforesaid recited Act, for his or their Non-Attendance, or Neglect to meet at his or their Vestry or Vestries; to be recovered in the same Manner as such Penalties and Forfeitures are to be recovered by Virtue of this Act.

And whereas, by the aforesaid recited Act, no Method of Prosecution is directed for the Recovery of the Fines and Penalties by the said Act imposed on a Vestry-Man or Vestry-Men, Church-Warden or Church-Wardens, Register or Registers, and every Person refuseing or neglecting to register any Birth, Marriage or Burial, Be it therefore hereby Enacted, by the Authority aforesaid, That the Fines and Penalties, in the aforesaid recited Act, mentioned to be imposed on a Vestry-Man or Vestry-Men, Register or Registers or any Person refuseing or neglecting to Register any Birth, Marriage or Burial, shall and may be recovered before any one Justice of the Peace for the said County, where such Offence shall be committed.

And it is hereby further Enacted, by the Authority aforesaid, p. 11 That the Fine or Fines, by this Act imposed on the Vestry-Men so refuseing or neglecting as aforesaid, and on the Register as aforesaid, and by the aforesaid recited Act, on the Church Wardens, shall and may be sued for and recovered, by Information, in the Court of the County where such Offence shall be committed; wherein no Essoyn, Protection, or Wager of Law shall be allowed: The same

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Fine or Fines to be for the Use and Support of the County or Counties, in which the said Offence or Offences shall be committed. And every and each acting Vestry-Man, or Register, is hereby required to make Information to the next County-Court, after such Neglect or Refusal of the Vestry-Man or Vestry-Men elected as aforesaid, or Neglect or Refusal of the said Register as aforesaid, in Order for the Recovery of the Fine or Fines, imposed by this Act: And the Justices of the said County-Court so informed, shall, and may, and are hereby directed and authorized, to order a Prosecution in the Manner aforesaid; to be had against such Vestry-Man or Vestry-Men, Register or Registers, Church-Warden or Church-Wardens, refuseing or neglecting as aforesaid.

Provided always, That the Power and Authority, by the aforesaid recited Act, and this Present Act, given to the Vestry or Vestries, for the Election of a Vestry-Man or Vestry-Men, Church-Warden or Church-Wardens, and the Fines and Penalties by this Act, and the aforesaid recited Act, imposed on the Vestry-Man or Vestry-Men, Register or Registers, Church-Warden or Church-Wardens, refuseing or neglecting the Office and Duty required of them by the aforesaid recited Act, and this present Act, shall not be construed or understood to make any Person or Persons, liable to such Choice or Penalties, who shall be publickly known to be of any Profession in Religion, different from that of the Church of England, established by Law: Any Thing in this Act herein before, or in the said recited Act contained, to the contrary thereof, in any wise, notwithstanding.

Chap. VI [Revises 1722, ch. 13]

An Act Reviving and Continuing an Act of Assembly of this Province, entituled, An Act for the better Relief of poor Debtors.

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That the abovementioned Act, entituled, An Act for the better Relief of poor Debtors, made at a Session of Assembly, begun and held at the City of Annapolis, the Ninth Day of October, Anno Domini Seventeen Hundred and Twenty Two; be and is hereby Revived and Continued, to be and remain in full Force, for and during the Term of Three Years, from the End of this Sessions of Assembly, and to the End of the next Sessions of Assembly which shall happen after the said Three Years.

Chap. VII

An Act to encourage the destroying of Wolves, Crows, and Squirrels.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of

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the same, That from and after the Commencement of this Act, every Master, Mistress, Owner of a Family, or single Taxable, in the several and respective Counties within this Province, shall be, and are by this Act obliged, Yearly, (at some Time before the Laying p. 12 their County Levies,) to produce to some one of the Justices of their County, three Squirrel Scalps or Crows Heads, for every Taxable Person they shall pay Levy for, that Year; and the Justice of the Peace, before whom such Squirrels Scalps or Crows Heads shall be brought, shall be, and is hereby obliged to destroy such Squirrels Scalps and Crows Heads, as shall be so produced to him, to prevent their being produced a second Time; and give such Person a Certificate under his Hand, certifying the Number of Squirrels Scalps and Crows Heads, such Person brought before him; which Certificate, the Person obtaining the same, shall lay before the Justices of their County, at the Time of the Laying their County Levy; and the Justices shall then cause a List of the Taxables of their County, to be laid before them, in order from thence to compare the Number of Taxables each Person pays in the County, with the Certificates produced, that thereby it may be found, what Persons have complyed with this Act, and who have failed therein.

And be it further Enacted by the Authority, Advice, and Consent aforesaid, That every Person that shall fall short of produceing a Certificate of Squirrels Scalps or Crows Heads, in proportion to their Taxables, according to the Directions of this Act, the Justices of the several and respective County Courts within this Province, at the Time of laying the County Levy, are hereby impowered and required, for each Squirrel Scalp or Crows Head, such Person shall fall short, in manner aforesaid, to Levy upon such Person, the Sum of Two Pounds of Tobacco; to be upon Execution, and Collected by the Sheriff of the County, in the same Manner as the Publick and County Levies, are to be applyed, toward defraying the County Charge.

And be it further Enacted by the Authority, Advice and Consent aforesaid, That every Person that shall bring to any Justice of the Peace within this Province, the Heads or Scalps of any more Squirrels or Crows, than the Three for each Taxable, by this Act required, shall for every such Head or Scalp, be allowed in the County Levy, where such Squirrel or Crow was killed, the Sum of Two Pounds of Tobacco; and the Justice of the Peace before whom such Heads or Scalps shall be brought, is hereby required to give the Person bringing the same, a Certificate thereof; and cause the said Heads and Scalps to be burnt, or otherwise destroyed.

Provided always, That no Person whatsoever, shall be entituled to any Allowance for any Squirrels or Crows Heads or Scalps, without first making Oath (or Affirmation if a Quaker,) or otherwise make appear, that such Squirrels or Crows were killed after the

Session Laws Commencement of this Act, and in the County where the Allowance is prayed.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Sum of Two Hundred Pounds of Tobacco, shall be allowed to every Person that shall bring a Wolf's Head to any Justice of the Peace, in that County-Levy where the Wolf was Killed: And the Justice of the Peace before whom any Wolf's Head is brought, shall cause the Tongue thereof to be cut out, and Ears to be cropt, that it may not be presented again: And the several County-Courts within this Province, are hereby required and impowered to levy the several Sums of Tobacco, by this Act to be allowed, in their County Levies, upon their several and respective Counties.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That from and after the Commencement of this Act, it shall not be lawful for any Justice or Justices of the Peace, within any of the several Counties within this Province, to whom any Wolves Heads, other than those killed by an Indian, shall be brought, and Application made, by any Person or Persons whatsoever, for a Certificate thereof, to entitle him or them to the Allowance in this Act, mentioned in the County Levy, unless he or they do first declare upon their Corporal Oath, to be administred by such
p. 13 Justice or Justices so applied to, (or Affirmation by the People called Quakers,) That such Wolf or Wolves, whereof those are the Heads, were actually killed in that County, where they pray for such Allowance; and further, that no Certificate (in order to be allowed in any the several Counties within this Province,) shall be given by any the Justices aforesaid, for any Wolves Head or Heads, that shall be brought before them, by any Indian, or that has been bought of any Indian, by any Person whatsoever, unless such Wolves Head or Heads be brought before such Justice or Justices, whole and entire, and that they appear to such Justice to be green, and fresh killed.

And be it further Enacted by the Authority, Advice, and Consent aforesaid, That this Act, shall commence from the Fifteenth Day of December next after the End of this Session of Assembly; and that thenceforth all Laws heretofore made, in Relation to Wolves, Squirrels, and Crows; be and are hereby repealed, abrogated, and made null and void.

And be it further Enacted by the Authority, Advice, and Consent aforesaid, That every Person that shall, during the Continuance of this Act, presume upon any Pretence whatsoever, to come to hunt with Guns or Dogs, within any inclosed Grounds, Islands, Peninsula's, or Necks fenced across from Water to Water, without Leave or Licence from the Proprietors thereof, first had and obtained, shall for every such Offence, forfeit and pay to the Party grieved, the Sum of Two Hundred Pounds of Tobacco, to be recovered before a Single Magistrate, in the same Manner as small Debts now are recoverable, Any Law, Statute, or Usage to the contrary notwithstanding.

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Chap. VIII
*1723, ch. 19
†1717, ch. 10

An Act to supply some Defects in the Act, entitled, An Act* for the Encouragement of Learning, and erecting Schools in the several Counties within this Province; and also to explain an Act, entitled, An Act† for laying an additional Duty of Twenty Shillings Current Money per Poll on all Irish Servants being Papists, to prevent the Growth of Popery by the Importation of too great a Number of them into this Province; and also the additional Duty of Twenty Shillings Current Money per Poll on all Negroes; for raising a Fund for the Use of Public Schools within the several Counties of this Province.

Whereas by the Act, entitled, An Act for the Encouragement of Learning, and erecting Schools in the several Counties within this Province, Direction and Powers are given for the Nomination and Choice of any Person or Persons, in the Room and Place of any Visitor or Visitors, dying, or removing out of the County; but no Provision is made by the said Act, for the turning out and supplying the Place of any Visitor or Visitors; by which Means several Inconveniencies, and much Damages have, and may happen to the Schools: For Remedy whereof,

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That in case any of the Visitors of the said Schools, shall hereafter wilfully and obstinately refuse or neglect to meet, and be present, at any of the Times appointed for the Meeting of the said Visitors, so that the necessary Affairs of the said School or Schools cannot be transacted and directed, that then it shall and may be lawful for the Visitors of each School, or the major Part of such Visitors, who shall so meet, are hereby directed and impowered to nominate and choose one or more of the principal and better Sort of the Inhabitants of the County, into the Place and Room of the said Visitor so refusing or neglecting as aforesaid, which Person or Persons so elected and chosen, from Time to Time, are always to be qualified in the same Manner as is directed for the Qualification of Visitors, by the said recited Act.

III. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Master of every Public School within this Province, shall, and is hereby required to teach as many poor Children gratis, as the Visitors, or the major Part of them, of the

Session Laws respective Schools shall order, or be immediately discharged and removed from his Trust in the said School, and a new Master put in.

IV. And whereas some Doubts have arisen on the Explanation and Construction of an Act, entitled, An Act for laying an additional Duty of Twenty Shillings Current Money per Poll, on all Irish Servants, being Papists, to prevent the Growth of Popery, by the Importation of too great a Number of them into this Province; And also the additional Duty of Twenty Shillings Current Money per Poll on all Negroes, for raising a Fund for the Use of Public Schools within the several Counties of this Province, whether the Twenty Shillings Current Money thereby imposed on Irish Servants, being Papists, and Negroes imported into this Province, by Land or Water, were intended by the said Act, or shall be construed to be imposed on such Irish Servants, being Papists, and Negroes, as have been, or shall be imported in any Ship or Vessel built in this Province, whereof the Owners have been, or shall be actually Residents in this Province, or in any Ship or Vessel, English or Plantation built, purchased, enjoyed or held, by Owners Residents within this Province.

V. Be it therefore Declared, and it is hereby Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That no Ship or Vessel, whereof all the Owners have been (or shall be) actually Residents of this Province; or no Ship or Vessel, English or Plantation built, purchased, enjoyed, and held, by Owners Residents within this Province, shall be construed to have been, or shall hereafter be discharged, and not liable to the Payment of the aforesaid Duty of Twenty Shillings Current Money per Poll on all Irish Servants, being Papists, and all Negroes imported into this Province, in such Ship or Vessel; any Law or Usage to the contrary thereof in any wise notwithstanding.

Chap. IX p. 14 An Act to appropriate Part of the Land laid out, in the City of Annapolis, for the Building a Custom-House on, to and for the Building a Market-House.

Whereas by an Act, entituled, An Act for erecting Anne-Arundel and Oxford Towns, into Ports and Towns, Commissioners were appointed, and Powers to them given, to purchase, survey, and divide, One Hundred Acres of Land, into convenient Streets, Lanes, and Allies; with other spare Places to be left, on which might be a Church, Chappel, Market-house, or other publick Building: According to which Powers, Land hath been left in the said City, not only for a Market-place, but for a Custom-house.

And whereas the Land design'd for a Market-place, in the said City, is not so convenient for the same, as Part of the Land design'd and allotted for a Custom-house; and which, at present, lies useless and unimproved: Session Laws

And whereas, on a Survey made, and reported to this General Assembly, it appears, that the Land design'd and allotted for the building of a Custom-house on, is contained by Two Hundred and Ten Feet in Breadth on the Water, and Three Hundred and Sixty Feet in Length, and Eighty Two Feet in Breadth, on the Head of the said Land; which is not only sufficient, and enough for that Use, but also for the building of a Market-house thereon,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice, and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Sixty Feet in Breadth on the Water, and Three Hundred and Sixty Feet in Length, and Twenty Five Feet on the Head of the said Land so allotted, and designed for a Custom-house, as aforesaid, and lying on the Northerly Side of the said Land, shall and may be surveyed, laid out, and marked, by Henry Ridgley, Mordecai Hammond, and John Welch, of Anne-Arundel County, Gent. or any Two of them, who are hereby authorized and impowered, to survey, lay out and mark the same, and to return a Certificate thereof, to the Mayor's Court of the said City, to be recorded, for the building a Market-house on; and that the Incorporate Body Politick of the said City of Annapolis, and their Successors, shall be hereafter seized of an Estate of Fee-simple, in and to all the said Sixty Feet of Land in Breadth on the Water, and Three Hundred and Sixty Feet in Length, and Twenty Five Feet in Breadth, at the Head of the said Land, so to be Surveyed, laid out and mark'd, and a Certificate returned as aforesaid, for the Use and Benefit of the said Corporation, for and to the Purposes aforesaid: Any Law, Statute, Usage or Custom to the Contrary thereof, in any wise notwithstanding. p. 15

Provided, That the said Incorporate Body Politick, build or cause to be built, a Market-house on the said Land, within Two Years after the same shall be so surveyed, marked, and laid out, as aforesaid,

And it is hereby further Enacted, That the said Incorporate Body Politick, shall have full Power and Authority, to sell, alien and dispose, in the Manner they shall think fit, for the best Price which may be got for the same, all that Land formerly laid out, allotted, and left Vacant, for the Building of a Market House as aforesaid; and that the Money or Tobacco, so to be raised by Sale thereof, shall be, and is hereby directed to be applyed towards the Building of the Market-house, intended by this Act, to be built on the Land to be surveyed, laid out and marked, by Virtue of this Act, as aforesaid.

Session Laws Chap. X [1727, ch. 7]

An Act repealing Part of an Act, entituled, an Act concerning Tobacco, made at a Session of Assembly, begun and held at the City of Annapolis, on Tuesday the Tenth Day of October, Seventeen Hundred and Twenty Seven.

Forasmuch as Part of the said Act, entituled, An Act concerning Tobacco, is thought needless, and a Burthen upon Trade:

Be is Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That one Clause of the said Act, giving an Allowance for the Hogshead, of Eight per Cent, from the Buyer to the Seller, for the neat Weight of the Tobacco contained in such Hogshead. And one other Clause of the said Act, preventing making Seconds, and cutting up Tobacco Stalks in Twenty Days after the Tobacco should be cut down and housed. And one other Clause of the said Act, preventing Tobacco Seed to be sowed in Hills. Also one other Clause of the said Act, requiring the Sellers or Payers away of Tobacco, to roll the same; be and are hereby repealed.

And be it further Enacted by the Authority aforesaid, by and with the Advice, and Consent aforesaid, That the Allowance for the Hogshead from the Buyer of Tobacco to the Seller, shall be Eight Pence Current Money of Maryland, or Six Pounds of Tobacco, at the Election of the Buyer, for every Hundred Weight of p. 16 Tobacco the Hogshead shall contain, which shall be in full Satisfaction of the Hogshead: Any Law, Statute, Usage, or Custom to the contrary notwithstanding.

[Ch. XI is private act; copy not found]

Chap. XII [Kilty in 1799 did not print this statute, stating "This act has not been repealed, but, it may be presumed, has ceased to have any operation"]

An Act for destroying Bears in Somerset County.

Forasmuch as it is represented to this present General Assembly, That the Inhabitants of Somerset County are much oppressed by Bears, Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every Person that shall bring to any Justice of the Peace, in Somerset County, the Head of a Bear that was killed in the said County, shall be allowed in the Levy of the said County, One Hundred Pounds of Tobacco; which said Sum of One Hundred Pounds of Tobacco, for each Bear that shall be so killed, the Justices of the said County are hereby required and impowered to levy upon the said County. And to prevent a double Allowance for one Bear, the Justice before whom any such Bear's Head shall be brought, is hereby required to cause the Ears thereof to be cut off, and it's Tongue to be cut out; and to give a Certificate thereof to the Party producing the said Head.

II. Provided always, That it shall not be lawful for any of the Justices of the County aforesaid, to give any Certificate for any

Bear's Head (other than what shall be killed by an Indian) before the Party producing the same shall make Oath (or Affirmation if a Quaker) that the Bear, for which the Certificate is desired, was killed in the County aforesaid, after the making this Act; nor to give a Certificate for the Head of any Bear killed by an Indian, unless the said Head be brought to him whole and entire, and that it appear to be green, and fresh killed; anything herein contained to the contrary thereof in any wise notwithstanding. Session Laws

III. This Act to continue in Force for Three Years, and from thence 'til the End of the next Session of Assembly, which shall happen after the said Three Years.

Chap. XIII and XIV are private acts; text not found]

An Act for Erecting a new Parish, out of that Part of St. Paul's Parish that lies in Anne-Arundel County, and out of All-Hallow's and St. Anne's Parishes in the said County. Chap. XV p. 25

Whereas it is represented to this present General Assembly, by the Inhabitants in and about Elk-Ridge, in Anne-Arundel County, That they have been for many Years in a melancholly Condition, for want of the Gospel, and the Blessed Means thereof, dispenced among them, the Parish-Church in St. Paul's Parish aforesaid, wherein they live, lying at such Distance, and the Falls so difficult, that it is impossible for them and their Families to repair to it: And therefore the said Inhabitants humbly prayed, that they might have a new Parish taken out of the several Parishes aforesaid, according to the Bounds hereafter expressed.

And whereas, the Rev. Messieurs William Tibbs, John Humphrys, and Joseph Colebatch, the present Incumbents of the several Parishes aforesaid, having had due Notice hereof, and making no material Objections against the Passing of an Act as above prayed; and forasmuch as the Prayer of the Petitioners aforesaid, is thought reasonable by the present General Assembly to be granted as prayed,

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the First Day of December next ensuing, all the remaining Part heretofore called Elk-Ridge Hundred, which was not annexed to Westminster Parish, being now Part of St. Paul's Parish aforesaid, and all that Part of All-Hallow's Parish bounded by a Line drawn from the Mouth of Rogues Harbour Branch, on Patuxent River, to the North Branch, or Snowden's River, on the Southward of Thomas Jones's Plantation; Also all that Part of St. Anne's Parish bounded by a Line drawn from the Mouth of a small Branch running into Patuxent River, and lying between the Plantations of John Ryon and Rose Lee, and running by a streight Line through the Woods, till it intersects the former Divisional Line between Anne-Arundel and Balte-

Session Laws more Counties including therein the Plantations of John Ryon, and John Barber; shall be taken from the several Parishes aforesaid, and be erected into a new Parish, and called by the Name of Queen Caroline; And shall from and after the Time aforesaid, by Virtue of this Act, be deemed, adjudged, reputed and taken for Queen Caroline Parish, and not as Part or Parcel of St. Paul's, All-Hallow's, and St. Anne's Parishes aforesaid: And that the Boundaries aforesaid, shall always be deemed, taken and reputed, as the undoubted Boundaries to divide Queen Caroline Parish aforesaid, from the other Parishes aforesaid, And that the Inhabitants of the said Queen Caroline Parish, shall have and enjoy all Benefits and Priviledges, Power and Authorities, in every Respect equal with any Inhabitants of any other Parish within this Province, heretofore had or hereafter may have.

And further, giving to the several Freeholders of Queen Caroline Parish aforesaid, at a certain Day to be appointed by them, full and ample Power, to elect and make Choice of the Number of six select Vestry-Men, at least, and Two Church-Wardens: And also to finish the Church already built in Queen Caroline Parish aforesaid, which shall be reputed, taken and deemed, as the Parish Church for that Parish; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Chap. XVI p. 25 An Act for the laying out of Land, and erecting a Town in St. Mary's County, at a Place formerly called Seymour Town.

Whereas it appears to this present General Assembly, That there is Land adjoyning to the Place where the Court-House of St. Mary's County stands, very convenient for the Laying out of a Town, and that the same will be very Advantagious to the Inhabitants of the said County,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Col. Thomas Truman Greenfield, Capt. Thomas Waughop, M^r^ Philip Key, M^r^ John Young, M^r^ Justinian Jordan, M^r^ Richard Thomson, and Capt. George Clark, or any Five of them, shall be and are hereby appointed Commissioners for St. Mary's County aforesaid, and are hereby authorized and impowered, as well to agree for the Buying and Purchasing of Fifty Acres of Land, at the Place aforesaid as for the Surveying and Laying the same out in the most convenient Manner that may be, into Eighty equal Lotts, erected into a Town.

And be it further Enacted That the Commissioners herein before nominated and appointed, or the major Part of them, are hereby impowered, some time before the last Day of April next, to meet together at the County Court-House aforesaid, or some other con-

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venient Place near thereabouts; and shall then and there treat and agree with the Owners and Persons interested in the said Fifty Acres, for the same; and after Purchase thereof shall cause the same to be surveyed and laid out: And after the same so surveyed and laid out, shall cause the same Fifty Acres to be marked, staked out, and divided into convenient Streets, Lanes, and Allies; and the remaining Part of the said Fifty Acres of Land, as near as may be, into Eighty equal Lots, marked on some Posts, or Stakes, towards the Streets, or Lanes, with Number One, Two, Three, Four, and so on to Eighty; to be divided and laid out: Out of which Lots the Owner of the said Land shall have his first Choice for two Lots; and after such Choice, the remaining Lots may be taken up by Others. And that no Person shall presume to purchase more than p. 26 One Lot within the said Fifty Acres, during the first Four Months after laying out the same. And that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in case the said Inhabitants shall not take up the said Lots within the Time of Four Months after laying out as aforesaid; it shall then be free for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner proportionably for the same. And in case the Owner, or Owners of the aforesaid Fifty Acres of Land, shall wilfully refuse to make Sale of the same, or that thro' Nonage, Coverture, Non sanae Memoriae, or any other Disability or Impediment whatsoever, be or are disabled to make such Sale as aforesaid; that then the Commissioners aforesaid, or the major Part of them shall and are, by Virtue of this Act, authorized impowered and required, to issue out Warrants under their Hands and Seals, to the Sheriff of the said County; which said Sheriff is also hereby required, upon Receipt of such Warrants, to impannel and return a Jury of the most substantial Free-holders, Inhabitants in the said County, to be and appear before the said Commissioners, at a certain Day and Time by them to be limited; which Jury (upon their Oath to them to be administred by the said Commissioners, or the major Part of them) shall enquire, assess, and return, what Damage and Recompence they shall think fit to be awarded to the Owners of the said Fifty Acres, and all Persons therein mention'd, according to their several and respective Interests; and what Sum of Tobacco the said Jury shall adjudge the said Fifty Acres to be worth, shall be paid to the Owners, and all Persons interested therein, by such Person or Persons, as shall take up the said Lots, proportionably to their Lot or Lots.

And be it further Enacted, that the Surveyor of St. Mary's County, for the Time being, shall have and receive for surveying and laying out the Town aforesaid, the Sum of Two Thousand Pounds of Tobacco and no more; to be paid and allowed him in the County Levy. And in case the Taker up of such Lot or Lots, refuse and neglect to build upon such Lot or Lots, within Twelve Months

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a House that shall cover Four Hundred Square Feet; and none of the Houses to be built on any of the Lots aforesaid, shall be suffered to have Chimney, unless the same be built with Brick or Stone, after taking up the same; and in case the House or Houses to be built on the Lot or Lots as aforesaid, be not built as before directed, that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so not built upon as aforesaid; on he or they who shall enter upon any of the said Lots through the Defects aforesaid, their paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid; or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the publick Use and Benefit of the said Town.

Provided always, That such Second Taker-up or Purchaser, who shall build and finish (within one Year after his Entry made,) an House in the Manner as in this Act is before limitted and appointed to be built by the First Taker up, shall have, and enjoy as good an Estate, to all Intents and Purposes, as in and by this Act before is limitted and settled upon the First Taker-up and Builder. And in case any of the said Lots shall be neglected to be taken up in the Town aforesaid, during the Term of Seven Years next after the Publication of this Act, that then and in such case, the Owner or Person Interested at the First in such Land, (after such Time expired) shall be possessed and interested in the said Lot or Lots, as in their First and former Estate; anything in this Act contained to the contrary notwithstanding.

And be it further Enacted, That nothing in this Act shall extend or be construed to extend, to prejudice any Person or Persons, his, or their Heirs or Assigns, who have complyed with the Requisites of the Act of Assembly, whereby Part of the Land before allowed to be laid out, was actually Surveyed into Lots and then called Seymour Town, of their Title to or Inheritance in the said Lots; but that the said Persons, their Heirs and Assigns, shall and may quietly hold, possess and enjoy the same for ever: Any thing in this Act, to the contrary thereof notwithstanding.

And be it further Enacted, That the Land hereby allowed to be laid out, be not so Surveyed as to effect the Buildings, or Improvements of the Heir at Law of Thomas Cooper, deceased. And saving to his most sacred Majesty, his Heirs and Successors, His Lordship the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all other Persons not mentioned in this Act, their several and respective Rights: Any Thing in this Act, to the Contrary notwithstanding.

And be it further Enacted, That the Place hereby directed to be laid out for a Town, shall be henceforth, by Virtue of this Act, known and called by the Name of Leonard Town; and that all Writs, Precepts, and Process Issuing out of St. Mary's County

Court, be made returnable to said Place, by the Name of Leonard Town, and that no Advantage be taken by such Alteration of the Name. Session Laws

An Act impowering the Justices of Calvert County, to finish the Court-House of that County, by an Assessment on the Inhabitants thereof, As also for the Relief of John Critchard, and William Kidd, two of the Builders of the said Court-House. **Chap. XVII** p. 16

Whereas John Critchard, and William Kidd, by their Petition to this General Assembly, have set forth, that they are greatly damnified by their Undertaking to build the New Court-house in Calvert County; and have prayed Leave to bring in a Bill to impower the Justices of the said County, to cause to be levied on the Taxable Persons within the said County, what this General Assembly shall think sufficient for their Relief:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Calvert County-court, do cause to be levied on the Taxable Persons within the said County, by an equal Assessment, any Sum of Tobacco they think fit, not exceeding the Quantity of Seven Thousand Pounds of Tobacco, next November County-court, if they shall think proper; or partly then, and partly November Court, Seventeen Hundred and Twenty Nine; which said Tobacco to be levied, shall be collected by the Sheriff of the said County; and when collected, shall, by the said Justices, be appropriated to the Finishing and Painting the said Court-house, in such Manner as they shall think fit.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Justices of Calvert County, have full Power and Authority to lay a further Assessment on the Taxable Persons of Calvert County, to be levied by equal Assessment, and collected by the Sheriff of the said County, for the Time being, in Manner before-mention'd, a certain Quantity of Tobacco, for the Relief of the said John Critchard, and William Kidd, not exceeding the Quantity of Eleven Thousand Pounds of Tobacco; which said Tobacco, when collected, shall be applied by the said Justices, or the Major Part of them, to the Use of the aforesaid John Critchard, and William Kidd, as a Compensation to the said Critchard, and Kidd, for what they have deserv'd, besides what they have receiv'd. p. 17

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the said Justices are hereby required to allow to the Sheriff, or Sheriffs, who shall collect the Tobacco, as aforesaid to be assessed, his or their usual Salary, out of the aforesaid Eleven Thousand Pounds of Tobacco.

Session Laws [Chap. XVIII is a private act; text not found] And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Place whereon the said Court-house now stands, shall, from henceforth, be call'd and known by the Name of Prince Frederick Town.

Chap. XIX An Act for dividing of St. Paul's Parish, in Queen Anne's, and Part of Talbot County.

Whereas it is represented to this present General Assembly, by the Parishioners of St. Paul's Parish aforesaid, That the said Parish is of too large Extent to be served by One Minister, consisting of Eighteen Hundred Taxables, the Forty per Poll whereof, amounts to Seventy Two Thousand Pounds of Tobacco, besides Perquisites. And therefore the said Parishoners of St. Paul's Parish aforesaid, humbly prayed, that the said Parish might be divided according to the Report of the Commissioners heretofore appointed by Order of the Upper and Lower Houses of Assembly, in Manner following, viz. That all the Land above the North-East Side of Courseca Creek, and the North-East Side of the Eastermost Branch thereof, commonly known by the Name of the Three Bridges, and running up the said Branch, through the Dwelling-Plantation of M^r^ Edward Wright, to the Head thereof; thence down with a Branch call'd Smith's Branch, to a Branch of Tuckahoe, and with that Branch to the Main Branch of Tuckahoe Creek; and from the aforesaid Main Branch, with a Line drawn South-East to Choptank River, the South-West Side of said Courseca Creek, Branches, and Line abovesaid; containing about One Thousand Taxables, which yield Forty Thousand Pounds of Tobacco, per Annum, besides Perquisites; be hereafter reputed and taken as the full Extent of St. Paul's Parish aforesaid. And that the North-East Side of Courseca Creek, Branches, and Line aforesaid, containing about Eight Hundred Taxables, and yielding about Thirty Two Thousand Pounds of Tobacco, per Annum, might be erected into a new Parish.

And whereas the Rev. M^r^ Christopher Wilkinson, the present Incumbent of St. Paul's Parish aforesaid having had due Notice thereof, and making no material Objections against the Passing of an Act, as above-pray'd: And forasmuch as the Prayer of the Petitioners aforesaid, is thought reasonable by this present General Assembly, to be granted as pray'd,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's p. 18 Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the First Day of December next ensuing, viz. The said Land to the North-East Side of Courseca Creek, and the North-East Side of the Eastermost Branch thereof, commonly known by the Name of the Three Bridges, and running up the said Branch, through the Dwelling-

Plantation of Mr Edward Wright, to the Head thereof; thence down with a Branch call'd Smith's Branch, to a Branch of Tuckahoe; and with that Branch, to the Main Branch of Tuckahoe Creek; and from the aforesaid Main Branch, with a Line drawn South-East, to Choptank River, shall be taken from St. Paul's Parish aforesaid, in Queen-Anne's County aforesaid, and be erected into a new Parish, and call'd by the Name of St. Luke's Parish; and shall, from and after the Time aforesaid, by Virtue of this Act, be deemed, adjudged, reputed and taken for St. Luke's Parish, and not as Part or Parcel of the said St. Paul's Parish aforesaid: And that the Boundaries aforesaid, shall always be deemed, taken, and reputed as the Undoubted Boundaries to divide the Parish aforesaid. And that the Inhabitants of the said St. Luke's Parish, shall have and enjoy all Benefits and Priviledges, Power and Authority, in every Respect, equal with any Inhabitants of any other Parish within this Province, heretofore had, or hereafter may have.

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And further, Giving to the several Free-holders of St. Luke's Parish aforesaid at a certain Day to be appointed by them, full and ample Power to elect and make Choice of the Number of Six select Vestry-Men, at least, and Two Church-Wardens; and also to build and found a Church therein: Any Law, Statute, Usage, or Custom to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of Queen Anne's County, upon Application to them made, by the Vestry of St. Luke's Parish aforesaid, to cause to be levied in such Manner as the Publick and County Levies are levied upon the Taxable Persons in the said Parish, so much Tobacco as will enable the said Parish to build a Church; so that the said Sum to be levied for that Use, do not exceed the Sum of Thirty Thousand Pounds of Tobacco: Any Law, Statute, Usage, or Custom to the contrary thereof, notwithstanding.

[Chap. XX is a private act; text not found]

An Act for the Relief of John Powel, John Nowel, Samuel Stevens, Mary Gordon and Thomas Price, Languishing Prisoners in Anne-Arundel County. Thomas Hill and James Ward, Languishing Prisoners in Talbot County. Richard Edwards and Nathaniel Wright, Languishing Prisoners in Queen-Anne's County. Christopher Bonfield and Clarina Gilly, Languishing Prisoners in Calvert County. Kennith Mackensy, a Languishing Prisoner in Charles County. Peter Bromfield, a Languishing Prisoner in Prince George's County. And Abel Van Burkelo, a Languishing Prisoner in Cecil County.

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Whereas the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, (by

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their humble Petition to this present General Assembly) have severally set forth, That they have continued Prisoners for Debt, in the Custody of the Sheriffs of the several Counties aforesaid, viz. The said John Powel, John Nowel, Samuel Stevens, Mary Gordon, and Thomas Price, under the Custody of the Sheriff of Anne-Arundel County; Thomas Hill and James Ward, under the Custody of the Sheriff of Talbot County; Richard Edwards and Nathaniel Wright, under the Custody of the Sheriff of Queen Anne's County; Christopher Bonfield, and Clarina Gilly, under the Custody of the Sheriff of Calvert County; Kennith Mackensy, under the Custody of the Sheriff of Charles County; Peter Bromfield, under the Custody of the Sheriff of Prince George's County; and Abel Van Burkelo, under the Custody of the Sheriff of Cecil County; for a considerable Time past, and still continue in the like deplorable Circumstances, not being able to redeem their Bodies, with all their Estate or Interest they have in the World; which they would readily surrender up and part with, to their several and respective Creditors, if they would accept of the same, and grant the said Petitioners their Liberty; which seems so unlikely for them to obtain, that (unless relieved by a particular Act to be past in their Favour, which by their said Petitions they have humbly prayed) they must inevitably continue Prisoners for Life; and thereby their Families utterly ruined. And for that the Truth of the said Petitioners Allegations is made appear to this General Assembly, by sufficient Testimony; and that the said Petitioners, and their Families, are fit Objects of Charity, and that their lying in Goal can be no Benefit to their Creditors; It is humbly prayed, that the said Petitioners may be relieved according to their Prayer, and that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That unless all or any of the Creditors of the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or the Creditor or Creditors of any or either of them, or the Attorney or Attorneys, of such Creditor, or Creditors aforesaid, within this Province; shall, within Twenty Days after the End of this Sessions of Assembly, go to the Sheriffs of the aforesaid Counties of Anne-Arundel, Talbot, Queen Anne's, Calvert, Charles, Prince George's, and Cecil; and give good Security to pay the Imprisonment Fees of Ten Pounds of Tobacco per Day, that shall or may become due from the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, after the End of the said

Twenty Days; And also to find the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or any or either of them, sufficient Meat, Drink, and Cloathing, during their future Imprisonment; In case they the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, shall deliver up and surrender, or cause to be delivered up and surrendred to the Sheriffs of Anne-Arundel, Talbot, Queen Anne's, Calvert, Charles, Prince George's, and Cecil Counties aforesaid, in the Presence of Two Justices of the Peace in each of the said Counties, whom the said Sheriffs are hereby required to summon, on the Request of the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or any of them, at the Dwelling Plantation, or Plantations, or Place or Places, where, before the Imprisonment of the said several Persons, was the Place or Places of Residence of the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield and Abel Van Burkelo, at some convenient Time, after the Receipt of this Act, not exceeding Ten Days, all their real and personal Estate, either in Possession, Reversion or Remainder, or in Trust, and do likewise, by the Day before mentioned, convey, assign, transfer and make over unto the said Sheriffs of Anne-Arundel, Talbot, Queen Anne's, Calvert, Charles, Prince George's, and Cecil Counties, for the Use of their said Creditors, all such their Estate, Interest or Claim as aforesaid; after such Manner as by the said Sheriff, and the major Part of the said Creditors, or of such of them as shall think fit to direct therein, or their Council Learned in the Law, shall reasonably devise or require, at the Costs and Charges of such Persons, as shall claim the Benefit thereof; so as the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, be not burthened with any Warranties thereby, other than from themselves; or those that claim by, from or under them. And that the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, and either of them, at the Time of such their Surrender, and Transferring their Estate

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as aforesaid; shall take his or their Solemn Oath or Oaths, (or Affirmation if a Quaker) before the said Two Justices of the respective Counties aforesaid, to be summoned as aforesaid, to the Effect following, viz.

"I A. B. Do solemnly Swear, that the Goods, Debts, and Effects, " which I have delivered, assign'd, and made over to the Sheriff of " County, and in Trust for the Use of my Creditors; is " the whole Estate, both Real and Personal, of my own in Posses- " sion, or have any Title to in the World. And that I have not any " Estate, Goods, or Effects, of any Kind whatsoever left, either in " Possession, Reversion, or Remainder; (The necessary Wearing " Apparel for my self, Wife, and Children excepted.) And that I " have not, directly or indirectly, Sold, Leased, or otherwise Con- " veyed, Disposed of, or Intrusted, all or any Part of my Estate, " thereby to secure the same, to receive or expect any Profit or Ad- " vantage thereof." So help me God.

It shall and may be lawful for the Sheriffs of the respective Counties aforesaid, after the End of the said Twenty Days, and the said Sheriffs are hereby required to discharge the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, out of their Custody, and to suffer them to go at large.

And be it further Enacted, That upon the said John Powel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, their complying with what is required of them by this Act, that they the said John Powell, John Nowell, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, and either of them, their, and either of their Heirs, Executors, or Administrators, shall be, by Virtue of this Act, acquitted, exonerated, released and discharged of and from all manner of Debts, Duties, Claims, and Demands whatsoever, that have been severally contracted by them, or have arose due, or become Demandable from them at any Time before the Sitting of this present General Assembly: And that in case the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or either of them, shall, after their Compliance and Discharge as aforesaid, be arrested, or sued for any such their Debts or Duties as foresaid; or that the said Sheriffs should be sued for any Matter or

Thing required of them, or either of them, to be done by this Act; that then the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or the said Sheriffs, or either of them whom it may concern, may enter a Common Appearance, or Appearances, without Special Bail, to any such Action, or Actions, as shall be brought against them, or either of them; and plead thereto the General Issue; and give this Act, or the Exemplification thereof, with the special Matter thereon arising, in Evidence. And that in case the Plantiff, or Plantiffs, commencing and bringing such Action, or Actions, as aforesaid, shall be Non-suit, the Defendant, or Defendants, shall recover against him, or them, double Costs of Suit: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And be it further Enacted, That the Sheriffs of the several and respective Counties aforesaid, and either of them, shall (after such Surrender and Delivery up as aforesaid,) give publick Notice at the Churches, Court-houses, and Mills, within the said Counties, of some precise Time, by them the said Sheriffs, and the said Two Justices to be appointed, for the Distribution of the said John Powel, John Nowel Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, their Effects and Estate, not less than Twenty Days after the Time of the making the said Surrender; and shall then and there, in the Presence of Two such Justices as aforesaid, and by their Advice and Directions, make Distribution of the Estate or Estates of the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or of the Estate of either of them, so as aforesaid to be surrendered and deliver'd up, or transferred, amongst such of their said Creditors only, as shall then by themselves, or their lawful Attorney or Attorneys, think fit to be present at such Distribution, by an equal and proportionable Distribution thereof to every such Creditor, with Respect had and in Proportion to the Largeness of his or her Debt: The Proceeding of the said Justices and Sheriffs, in that Behalf, to be certified to the Courts of the several Counties aforesaid, and there lodg'd for the Perusal of any of the Creditors of the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, that shall require the same, without any Fee to be paid thereon, or for such Lodging thereof; saving

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Provided nevertheless, That in case the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or either of them, shall at any Time after the making such his or their Oath or Oaths, or taking such Affirmation as aforesaid be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach or Noncompliance with the Tenour of such Oath or Affirmation as aforesaid; That then the said John Powel, John Nowel, Samuel Stevens, Mary Gordon, Thomas Price, Thomas Hill, James Ward, Richard Edwards, Nathaniel Wright, Christopher Bonfield, Clarina Gilly, Kennith Mackensy, Peter Bromfield, and Abel Van Burkelo, or such of them as shall be convict as aforesaid, shall, upon such Conviction, be adjudged to stand Two Hours in the Pillory, and have his or her Left Ear Cut off, and shall be wholly deprived of any Benefit design'd him, them, or p. 29 either of them, by this Law; and shall be from thenceforth liable to be prosecuted for any Debts or Demands whatsoever, in the same manner as if this Act had never been made; any Thing therein contained to the contrary, notwithstanding.

Provided likewise, and be it Enacted, by the Authority, Advice and Consent aforesaid, That notwithstanding the Discharge of the Persons of the Prisoners aforesaid, upon taking the Oath aforesaid, all and every Judgment now had and taken, or that shall hereafter be obtained, had and taken, against any the aforementioned Prisoners, by any of their Creditors, for any Debt or Debts owing and remaining due from any of them to such their Creditors, after such Surrender and Distribution made as aforesaid, shall be and stand good and effectual, in Law, to all Intents and Purposes, against the Lands, Tenements, and Hereditaments, Goods and Chattels, that the said several Prisoners so discharged as aforesaid, shall hereafter acquire, and come to the Possession of, and in their own Right only. And it shall and may be lawful to and for the Creditors of the said several Prisoners so discharged as aforesaid, their Executors, Administrators, or Assigns, to take out any new Execution, against the Lands, Tenements, Hereditaments, Goods and Chattels of the Prisoner or Prisoners aforesaid, (except his or their Wearing Apparel, Bedding for his or their Family, and Tools necessary for his or their Trade or Occupation, and what may be necessary for their Subsistance, not exceeding the Value of Five Pounds current Money,) for the Satisfaction of the Remainder of his or their said Debt, in such Sort, Manner and Form, as he or they might have done, if the Person or Persons of the said several Prisoners so discharged as aforesaid, had never been taken in Execution: Any Act, Statute, or Custom to the contrary, notwithstanding.

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And Whereas M^r^ Charles Carroll, has shewn to this present General Assembly, a Bill of Sale, from Nathaniel Wright, in this Act mentioned, and now in the Custody of the Sheriff of Queen Anne's County, for Four Negroe Slaves, to wit, Sambo, Leader, Sam and Coffee, which said Slaves notwithstanding, as the said Charles suggests, in Fact belong to him, yet the said Nathaniel has disposed of them, to Persons unknown to the said Charles; so that the said Charles could never discover where the said Negroes were: And the said Charles having prayed, that the said Nathaniel Wright might not be discharged of his Imprisonment, by Virtue of this Act, until the said Nathaniel Wright, should, upon Oath, declare what is become of the said Negroes, whether they be Living or Dead; and if Living, in whose Possession, and where, and by what Right, and upon what Consideration he disposed of the same.

Be it therefore Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the aforesaid Nathaniel Wright, have no Benefit by this Act, until upon Oath, by him to be taken, before Two of the Justices of Queen Anne's County, he declare in Writing, what is become of the said Negroes, whether they be Living or Dead; and if Living, in whose Possession they are, and where, and by what Right, and upon what Consideration he disposed of the said Negroes: Any Thing in this Act before to the contrary, in any wise notwithstanding.

Provided also, That Samuel Stevens, shall not be Entituled to any Benefit or Priviledge by Virtue of this Act, until he give good Security for his good Behaviour, during his Residence within this Province, before Two Justices of the Peace for Anne-Arundel County: Any Thing in this Act to the contrary notwithstanding.

An Act for the better Regulating the Parishes in St. Mary's and Charles Counties.

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Whereas it is represented by the Inhabitants of St. Mary's and Charles Counties, and is made appear to this present General Assembly, That the present Parishes in the Counties aforesaid, are so laid out, that they are very Inconvenient, both to the Incumbents, and Parishioners: To prevent which, and for the better Regulating the said Parishes, it is prayed that it may be Enacted,

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Nicholas Lowe, Esq^r^ Col. Thomas Trueman Greenfield, M^r^ Philip Key, M^r^ George Clark, M^r^ Samuel Wil-

Session Laws liams, Capt. John Hicks, and M^r^ John Leigh, of St. Mary's County, Gent, And Col. John Fendall, M^r^ John Courts, Capt. George Dent, M^r^ Randolph Morris, M^r^ Henry Holland Hawkins, M^r^ John King, and Doctor Gustavus Brown, of Charles County, Gentlemen, be by Virtue of this Act appointed Commissioners, to Regulate and Divide the several Parishes, within the said Counties; which said Commissioners, or the major Part of them, are hereby required, on the First Tuesday in July next ensuing, to meet at Bird's Creek Bridges; and p. 19 at such Meeting, they are hereby authorized and impowered to proceed to the Regulating the several Parishes in the said Counties, after such Manner as to them, or the major Part of them, shall seem most to the Ease and Convenience of the Inhabitants of each respective Parish; which said Parishes, so by the said Commissioners, or the major Part of them, to be divided, shall be by the said Commissioners ascertain'd, either by Natural Boundaries, Artificial Courses, or otherwise; and a full and fair Account of their Proceedings, and the Boundaries, Sign'd by the said Commissioners, or the major Part of them, shall be by the said Commissioners, return'd to the next General Assembly, for their Inspection and Approbation.

And be it further Enacted, by the Authority aforesaid, That if any of the Persons herein before-named Commissioners, shall fail or refuse to be present at the Time and Place herein prefix'd not being hindred by Sickness, or other unavoidable Accident, or being present shall refuse to proceed to the Executing the Power herein before given them, shall forfeit and pay One Thousand Pounds of Tobacco; to be recovered in the County-court, and applied to the Use of the County where such Person shall reside, by Action of Debt, Bill, Plaint, or Information; wherein no Essoyn, Protection, or Wager of Law shall be allowed.

Chap. XXIII An Act to prevent the Abuses of concealing convicted Felons, and other Offenders, imported into this Province, and for the better Discovery of them.

Whereas by the Statute of the Fourth Year of the Reign of his late Majesty King George the First, (of glorious Memory) entitled, An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wool; and for to declare the Law in some Points relating to Pirates, it is Enacted and Provided, " That where " any Person or Persons should be convicted of Offences (within " the Benefit of Clergy) and liable to be Whipt, or Burnt in the " Hand, or ordered to any Work-house; or that should be Con- " vict of Grand or Petit Larceny, or any Felonious Stealing, or " taking of Money, Goods, or Chattels, either from the Person, or " the House of any Person, or any other Manner, and who, by the " Law, should be entitled to the Benefit of Clergy, and liable only

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" to the Penalties of Burning in the Hand, or Whipping; (except
" Persons convict for receiving or buying Stolen Goods, knowing
" them to be Stolen) it should and might be lawful for the Court
" before whom they should be convicted, or any Court held at the
" same Place with the like Authority, if they should think fit, in-
" stead of ordering such Offender to be Burnt in the Hand, or
" Whipt, to order and direct that such Offenders, as also such
" Offenders in any Work-house as aforesaid, should be sent as soon
" as conveniently might be, to some of his Majesty's Colonies and
" Plantations in America, for the space of Seven Years: And that
" Court before whom they should be convicted, or any subsequent
" Court, held for the same Place, with the like Authority as the
" former, should have Power to convey, transfer, and make over
" such Offenders, by Order of Court, to the Use of any Person or
" Persons, who should contract for the Performance of such Trans-
" portation, to him or them, his or their Assigns, for the Term of
" Seven Years. And where any Person was convicted before the p. 20
" making the said first recited Act, or did then stand attainted of
" any Offence whatsoever for [which] Death by Law, ought to be
" inflicted, or where any Offenders should be thereafter convicted of
" any Crime whatsoever, for which by Law they ought to be ex-
" cluded the Benefit of Clergy; and his Majesty, his Heirs or Suc-
" cessors, should be graciously pleased to extend Royal Mercy to any
" such Offenders, upon Condition of Transportation to any Part of
" America, and such Intention of Mercy should be signified by one
" of his Majesty's principal Secretaries of State; it should and
" might be lawful for any Court, having proper Authority, to allow
" such Offenders the Benefit of a Pardon, under the Great Seal, and
" to order and direct the like Transfer and Conveyance to any Per-
" son or Persons (who would contract for the Performance of such
Transportation) and to his and their Assigns, of any such before mentioned Offenders; as also of any Person or Persons convicted of receiving Stolen Goods, knowing them to be Stolen, for the Term of Fourteen Years, in case such Condition of Transportation be general; or else for such other Term or Terms as should be made Part of such Condition, if any particular Time be specified by his Majesty, his Heirs and Successors as aforesaid: And that such Person or Persons, so contracting as aforesaid, his or their Assigns, by virtue of such Order of Transfer as aforesaid, should have a Property and Interest in the Service of the said Offenders, for such Term of Years.

II. And whereas by the Statute of the Sixth Year of the Reign of his late Majesty, entitled, An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, it is Enacted, That all the Powers and Authorities, which are given by the said recited Act of the Fourth

Session Laws Year of the Reign of his late Majesty, to any Court before whom any Felons and Offenders, tried for and convicted of any Offence, for which they might be sent or transported to any of his Majesty's Colonies or Plantations in America, should and might be observed and executed by any other subsequent Court with like Authority, held for the same County, Riding, Division, or Liberty, where such Offenders were or should be tried or convicted: And that such Court might appoint, if they should think fit, two or more Justices of the Peace of the said County, Riding, Liberty, or Place, where such Offenders were, or should be convicted; who should have Power and Authority to contract with any Person or Persons, for the Performance of the Transportation of such Felons and Offenders, who by Order of such Court or Courts were to be sent to any of the Colonies or Plantations aforesaid, and to order such like sufficient Security to be given, (as the aforesaid recited Act directs, to be taken by Order of Court) and also to cause such Felons, pursuant to such Contract, to be delivered by the respective Goalers, in whose Custody they were, or should be, or might be, to the Person or Persons contracting for the same, or to his or their Assigns.

III. And whereas several Masters of Ships, and other Vessels, importing the said Felons and Offenders into this Province, have neglected to bring any Testimonial of the Offences whereof the said Felons, and Offenders, have been convict; or whereby it might appear whether they were obliged to serve Seven Years, or Fourteen Years, which hath already occasioned Disputes and Controversies between the Persons entitled to the Service of such Felons, and Offenders, and the Felons and Offenders themselves, concerning their Terms of Servitude, and may occasion many more, as well as give some of the said Felons, and Offenders, opportunities of returning from their Transportation before the Expiration of the Terms they have been or may be transported for, contrary to the true Intent and Meaning of the said Statutes.

IV. And whereas several other Masters of Ships, and Vessels, have imported several Felons, and other Offenders, into this Province, and made private Contracts with such Felons, and Offenders, for a less Time of Servitude than is prescribed by the said Acts, and disposed of the said Felons, and other Offenders, to several of the p. 21 Inhabitants of this Province, as Servants of good Reputations, and not convict of any Crime or Offences; by which Practices several of the said Felons and Offenders, whose Testimony ought not to be received in any Court of Record, or before any Magistrate, because not known to be such, may be received as Witnesses, to the manifest Danger of the Lives, Liberties, and Properties, of his Majesty's Subjects of this Province, and the true Intent and Meaning of the said Statutes, is eluded; For the Prevention of which Evils,

Session Laws

V. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every Master of a Ship, or Vessel, that shall import any Felons or Offenders, from and after the Tenth Day of November, which shall be in the Year One Thousand Seven Hundred and Twenty-nine, shall be obliged to bring an authentic Testimonial of the Offence, or Offences, whereof such Felon or Offender hath been, or shall be convict, and the Number of Years he, she, or they, are obliged to serve, on Pain of forfeiting the Sum of Five Pounds Current Money of Maryland, for every such Felon or Offender; one Half to the Lord Proprietary, to be applied to defray the Charge of the County such Ship or Vessel shall ride at Anchor, the other Half to him or them who shall sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, to be allowed.

VI. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That such Testimonial or Testimonials, shall be lodg'd by the Master, or chief Officer of such Ship or Vessel, importing such convicted Persons, with the Clerks of the respective County Courts within this Province, into which such Felons or Offenders shall be Imported and Sold, under the Penalty of Five Pounds for every Offence; to be recovered and applied as aforesaid: And any Copy or Copies of such Testimonial or Testimonials, under the Hand of such County Clerk, shall be received and admitted as full and conclusive Evidence, to prove the Matter therein contain'd.

VII. And for the better Discovery of Felons and other Offenders, Be it Enacted, by the Authority aforesaid, That all Persons importing or bringing any Servant or Servants into this Province, by Land or by Water, shall be obliged by Virtue of this Act, to declare upon Oath (or Affirmation if a Quaker) to the Naval Officer of the Part or District into which such Servant or Servants shall be imported or brought, Whether any such Servant or Servants, have been convicted of any Crime, to the Knowledge of the Person or Persons so importing such Servant or Servants, and if any, of what Crime: And that if it shall appear by the Oath, (or Affirmation if a Quaker) of such Person or Persons, or by any other legal Evidence, that any such Servant or Servants, hath or have been convict of any Felony, or other Offence; such Felon, or Offender, shall serve the same Term of Years as is prescribed and directed in and by the said Statutes; any private Contract or Agreement to the contrary notwithstanding.

VIII. And be it further Enacted, That any Person importing or bringing any Servants in this Province as aforesaid, and that shall refuse to declare upon Oath (or Affirmation if a Quaker,) whether to his Knowledge, any such Servant hath been convict of any

Session Laws Felony, or other Offence, shall forfeit the Sum of One Hundred Pounds Current Money, to be recovered to the Uses aforesaid, in Manner and Form aforesaid; and that every Naval Officer, neglecting or omitting to administer such Oath, (or Affirmation if a Quaker) shall for every such Neglect or Omission, forfeit One Hundred Pounds like Money; to be recovered and applied as aforesaid.

IX. And be it further Enacted, That any Person or Persons, so to be Sworn, (or Affirm if a Quaker) who shall knowingly forswear him or themselves, or falsely Affirm, shall be liable to be prosecuted p. 22 for Perjury: And in case of Conviction, shall suffer the same Pains and Penalties as in Cases of corrupt and wilful Perjury.

X. And be it further Enacted, That a Copy of the Oath, or Affirmation, of such Importer, certified by the Naval Officer, shall be deemed and taken to be good and effectual in Law, in any Dispute or Controversy concerning such Felons or Offenders, as if given Viva Voce, at the Time of such Dispute or Controversy; any Law, Usage or Custom to the contrary notwithstanding.

XI. And be it likewise Enacted, That any Provincial Justice or Justices of the Peace within this Province, upon the Application of any Person or Persons to them, or upon any Suspicion of any Felon, or other Offender being imported or brought into this Province, shall and may examine upon Oath (or Affirmation if a Quaker) any of the Crew of any Ship or Vessel, or any other Person, touching their Knowledge of any such Felon, or other Offender: And that such Examination or Examinations, Deposition or Depositions, shall be as good and effectual in Law, as if the Examinants or Deponents were present, and delivered their Testimony Viva Voce; any Law, Statute or Usage to the contrary notwithstanding.

Chap. XXIV [Supplement to 1714, ch. 4]

A Supplementary Act to the Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law.

Forasmuch as it is represented to this General Assembly, as a very great Aggrievance to the good People of this Province, that there is not a sufficient Provision made against the Arresting the Inhabitants thereof, when they shall happen to be found about their necessary Affairs, out of the County where they reside;

II. Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not be lawful for any Person whatsoever, to cause any Inhabitant of this Province, to be Arrested out of the County where he or she doth reside, by virtue of any Capias ad Respondendum, or Capias ad Satisfaciendum, for any

Debt, Damage or Costs, until the Sheriff or Coroner of the County where such Defendant shall reside, shall have returned a Non est Inventus, on a Capias ad Respondendum, or Capias ad Satisfaciendum, issued at the Request of the said Person against the said Defendant. Session Laws

III. And be it further Enacted, by the Authority aforesaid, That if any Person be Arrested upon a Capias ad Respondendum, contrary to the Intent of this Act, the Plaintiff in the said Action shall suffer a Non-suit, and pay the Defendant his or her reasonable Costs, Charges, and Damages, to be adjudged him or her, by the Court from whence such Process issued: And if any Person be taken in Execution, contrary to the Directions hereof, the Justices of the Court from whence such Execution issued, shall discharge him or her, from his or her Imprisonment; and in a summary Way adjudge to him or her, his or her reasonable Damages, Costs and Charges; and cause the same to be discounted by the Plaintiff, out of his or her Judgment obtained against the said Defendant; any Law, Statute, Usage or Custom to the contrary thereof in any wise notwithstanding.

IV. And whereas it appears that small Benefit is reaped by the Act for Stay of Execution after the Tenth of May yearly, and the Supplementary Act thereto; for that it is hardly possible to get any Quantity of Tobacco ready by the Tenth Day of November:

V. Be it Enacted, by the Authority, Advice, and Consent aforesaid, That the Time in the aforesaid Acts mentioned for Stay of Execution, shall hereafter be changed from the Tenth Day of November, unto the Tenth Day of February: And that these Words, on the Tenth Day of November next, in the Confession by the said recited Act for Stay of Execution required to be made, shall be changed to these Words, viz. On the Tenth Day of February next. p. 23

VI. And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That it shall not be lawful for any Person or Persons, to sue out any Execution upon any Judgment whatsoever, superseded, or upon any Confession made therefore, after the Manner aforesaid, till after the Tenth Day of February next following the said Supersedeas or Confession; any Law, Statute, or Usage to the contrary thereof in any wise notwithstanding.

VII. Provided always, That this Act, or any Thing therein contained, shall not extend to the Benefit or Advantage of any Persons that shall abscond or fly from Justice in the County where they live; but that such Persons may be Arrested in any County wherever they are to be found.

VIII. This Act to endure, from and after this Session of Assembly, for and during the End of Three Years, and to the End of the next Session of Assembly after the Three Years.

Session Laws Chap. XXV p. 23 An Act for the Repairing and Inlarging of the Church in the City of Annapolis; and for the Building a Chapel of Ease, in the Parish of St. Anne's, in Anne-Arundel County: And to impower the Raising and Levying a Quantity of Tobacco, for that Purpose.

Whereas on the Petition of the Vestry-Men, Church-Wardens and Inhabitants of St. Anne's Parish, in Anne-Arundel County, it appears to this General Assembly, that the Church in the City of Annapolis, to which the said Inhabitants resort for Divine Worship, is not only very much decayed and ruinous, but also too small and inconvenient for that Purpose; and also that the said Parish is of such Extent, that many of the said Inhabitants cannot, without great Fatigue and Trouble, attend the Worship of God, in the said Church:

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for, and the Vestry and Church-Wardens of the said Parish, are hereby authorized and impowered, to inlarge or cause to be inlarged and repaired, the said Church in the City of Annapolis, with such Dimensions, and in such Manner, as to them, or the major Part of them, shall seem meet and proper: And also, that it shall and may be lawful for, and the said Vestry is hereby authorized and impowered to build, or cause to be built, a Chapel of Ease, of such Dimensions, and in such Manner, as to them, or the major Part of them, shall be adjudged proper; which said Chapel shall be built and stand in such Part and Place of the said Parish, as shall be determined, agreed upon, and adjudged most convenient, by the Inhabitants, or the major Part of them, residing in the Upper Part of the said Parish; and which said Inhabitants may and shall meet together, for the Determination and Agreement of such Place, upon convenient Notice, to be inserted for that Purpose, by the said Vestry and Church-Wardens, in the Maryland Gazette.

And for the defraying the Charge and Expence of such Inlargement, Reparation and Building, Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the p. 24 Justices of Anne-Arundel County-Court, shall and may, and they are hereby authorized and directed, on the Application of the said Vestry and Church-Wardens, to assess and levy, by Two several Assessments on the Inhabitants of the said Parish, any Quantity or Quantities of Tobacco, not exceeding in the whole the Quantity of Forty Thousand; and which said Quantity or Quantities of Tobacco, so to be assessed and levied, shall be collected by the Sheriff of the said County, who is hereby authorized and directed to collect the same; and who shall have for such Collection, at and after the Rate of Five per Cent: And the said Tobacco, when so collected, shall be paid to the said Vestry, and Church-Wardens, who are hereby authorized and required to apply the same for the Inlargement and Reparation of the said Church, and building of the Chappel aforesaid.

Provided always, and it is the true Intent and Meaning of this Act, That it shall not be lawful for the Vestry-Men, and Church-Wardens of the Parish aforesaid, to apply to the Justices of the County aforesaid, for the Assessing and levying the Tobacco aforesaid; nor for the Justices aforesaid, to cause the said Tobacco to be assessed and levied on the Parishioners aforesaid, untill the Consent of the major Part of the said Parishioners shall be known thereto, by a Certificate for that Purpose, under their Hands: Any Thing in this Act to the contrary thereof notwithstanding.

Chap. XXVI

An Act for the Payment and Assessment of the Publick Charge of this Province, for this present Year One Thousand Seven Hundred and Twenty Eight.

Whereas there hath been the Sum of Four Hundred and Sixty Six Thousand, Three Hundred and Sixty One Pounds of Tobacco, and Four Hundred and Twenty Five Pounds, and Six Pence, current money of Maryland, and One Hundred and Fifty Pounds Sterling in Money, laid out and expended for the Publick Charge of this Province, to the Second Day of November, in the Year of our Lord One Thousand Seven Hundred and Twenty Eight: To the Intent the same may be satisfied and paid to whom the same is due, as by the Journals of the Levy, and Lists of Payment thereto annexed appears,

Be it Enacted, by the Right Honourable the Lord Proprietary, and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the said Sum of Four Hundred and Twenty Five Pounds, and Six Pence, current Money, and One Hundred and Fifty Pounds Sterling aforesaid, be Satisfied and paid to whom the same is due, out of the Publick Stock of Money lodged in the Treasurers Hands of this Province; and that the Tobacco now raised, and to be lodged in the Hands of the several Sheriffs of this Province, be applied; and a Levy, or equal Assessment, of Seventeen Pounds of Tobacco per Poll, be by Virtue of this Act, levied and assessed upon the Bodies and Estate of the Taxable Inhabitants of this Province, and paid to the several Persons to whom it is due, according to the Journal of Accounts, and Disbursements for the necessary Charges of this Province, which have been examined, and now stated and allowed of by this Present General Assembly.

[Chap. XXVII is a private act; text not found]

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis July 10–August 8, 1729.
Being the Second Session of the Assembly, Elected in 1728.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

BENEDICT LEONARD CALVERT,
Governor.

PROCEEDINGS

THE UPPER HOUSE OF ASSEMBLY,

July 10–*August* 8, 1729.

Maryland ss.

At a General Assembly of the Province of Maryland begun and held at the City of Annapolis the 10th Day of July in the Third Year of the Reign of Our Sovereign Lord George the Second and in the fifteenth year of His Lordships the Lord Proprietarys Dominion &c being the second Session of this present Gen^{l} Assembly

Original p. 1 [Liber P U. H. J. No. 32 contains a copy. The Calvert Papers include the Proceedings of this Session] July 10

Present

His Excellency Benedict Leonard Calvert Governor

The Hon^{ble}

Edward Henry Calvert Esq^{r}	Coll Matthew Tilghman Ward
Coll William Holland	John Rousby Esq^{r}
Philemon Lloyd Esq^{r}	Benjamin Tasker Esq^{r}
Coll Richard Tilghman	Coll John Rider

Members of the Upper House

Daniel Dulany and John Beale Esq^{rs} from the Lower House attend & acquaint His Excellency the Governor that there are a sufficient Number of Members met to make a House and proceed upon Business and wait His Excellencys Commands

Whereupon Coll Richard Tilghman and Coll Matthew Tilghman Ward are sent to the Lower House to acquaint them His Excellency requires the Speaker & the whole House to attend him in the Council Chamber

Who return and say they delivered their Message

The Speaker and the whole House accordingly attend on His Excellency to whom He is pleased to make the following Speech viz.

Gentlemen of the Upper & Lower Houses of Assembly

The Publick Good is the Gen^{l} End of Our Meetings in Assembly, which will be pursued with best Success thro the Paths of Loyalty, Moderation and Justice to which Natural Reason and a calm Reflection on things, must sufficiently incite us, and therein next to the benign Influence of the Great Authority of Wisdom I doubt not but

U. H. J. you will meet a happy Guidance in your own Knowledge & Experience

p. 2 Gentlemen of the House of Delegates

The Law for ascertaining the Gauge and Tare of Tobacco hogsheads and for other Things therein mentioned is near Expiration, as I have not received any Instructions from His Lordship to the Contrary. I think myself at Liberty to offer His Good Tenants the Continuation for three Years more of that Law, whereby their Tenancy is made so very easy to them, but as the late Law for stinting the Number of Tobacco Plants, may considerably lessen the Export of Hogsheads, the raising an Equivalent thereto to His Lordship, must appear both just and necessary, lest His Indulgency to His Tenants should prove unreasonably disadvantageous to himself,

Gent^{n} of Both Houses

Nothing can be more desireable than a Certainty in Matters of Property, by bringing Controversies of Right to a known End, wherefore it may seem necessary to limit the Time for Appeals from Chancery, as well as to regulate the Nature of them; And as a Question has arose whether in the Absence of the Governor and first of the Council in Commission, the Senior of the Council then present may preside and proceed to a Determination on Appeals and Writts of Error, it will be prudent to solve it, by impowering in such Case the Senior present so to preside and proceed, otherwise Great Inconveniencies and Delays may happen by the Absence of the Governor or first in Commission, or when Either or both should be Parties concerned in the Matters in Dispute

I heretofore advised a separate Repository for Our Old Records, and I hope you will no longer delay a Security so essential to preserve the Rights of yourselves and your Posterity from the Injury of Common Accidents.

The Act against Engrossers and Regrators might be very beneficial to the People of this Province, were not the sense thereof confusedly expressed, but a Revisal & Explanation of it may supply its Defects.

p. 3 This leads me to recommend Great Care and Caution in the Penning of Laws since it little availeth to be cautious and circumspect in Our Consultations, if we are not equally such in forming Our Resolutions into Laws

Having thus delivered some things to your Consideration, it remains with you to advise whatever else may be necessary or convenient to promote Our General Welfare, and you may be well assured I shall not fail to advance to the Utmost of my Power, the United Interests of His Majesty, the Lord Proprietary and the Good People of Maryland

The Speaker and the whole House withdrew U. H. J.
Adjourned till to Morrow Morning Nine of the Clock.

Friday Morning 11th July 1729 July 11

Present as Yesterday

This House met again according to Adjournment

A Message from the Lower House by Mr Crabb and Mr Stoughton

By the Lower House of Assembly 11th July 1729

May it please Your Honours

This house in Order to expedite the publick business hath resolved to sit from Eight of the Clock in the forenoon until twelve and from two in the Afternoon until six and desire to know if the time proposed be agreeable to your Honours

Sign'd ꝑ Order M. Macnemara Cl. Lo. Ho.

To which the following Answer is prepared & sent to the Lower House by Coll Rider viz.

By the Uppr House of Assembly 11th July 1729

Gentlemen

The Times of sitting for the Dispatch of the Publick Business of this Province proposed in your Message of this Day by Mr Crabb and Mr Stoughton are agreed to by this House

Signed ꝑ Order John Ross Cl Up Ho.

James Holyday Esqr and Mr Stoughton from the Lower House attend with Coll William Ennals One of the Members Elected for Dorchester County in Order to see him Qualified. p. 4

Whereupon the said William Ennals takes the Oaths to the Government appoint'd to be taken by Act of Assembly and subscribes the Oath of Abjuration and Test according to the Direction of the said Act, and then they withdrew

Adjourned till two of the Clock in the Afternoon

Friday Afternoon 11th July 1729

This House met again according to Adjournment

Present as in the Morning with the Addition of John Hall and Philip Lee Esqrs

U. H. J. Read the Petition of Christopher Gardiner a languishing Prisoner in Baltemore County and ordered to be thus Endorsed

By the Upper House of Assembly 11th July 1729

Read and referred to the Consideration of the Lower House of Assembly

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Jnº Hall Esqr who returns & says he delivered it.

The Honourable Edward Henry Calvert Esqr attended by the rest of the Members of this House wait upon His Excellency the Govr and present to Him their Answer to his most favourable Speech to both Houses of Assembly at the Opening of the Session which is as follows viz.

To His Excellency Benedict Leonard Calvert Governor & Commander in Chief in and over the Province of Maryland

The humble Address of the Upper House of Assembly

May it please your Excellency

p. 5 As it is not to be doubted but the publick Good of all British Colonies, more especially with Regard to their Proceedings in Legislation is best carried on and most successfully propagated when Loyalty, Moderation and Justice are allowed to be the Basis of their most weighty Considerations: We therefore the members of the Upper House of Assembly in a just Sense of your Excellency's Goodness acknowledge it to be a convincing Evidence of your great Concern & tender Regards for the Prosperity of this Province that you have been pleased upon the Opening of this Session to recommend the Practice of Virtues so eminently perspicuous in themselves and so universally approved of for the Attainment of all those good Ends and Purposes to which this present Meeting in Assembly is particularly designed

And We do with a great deal of Pleasure assure your Excellency that We His Lordships faithful Tenants who have the Honour to sit in this House are fully resolved to confine Ourselves to those Paths in your Excellencys kind Speech pointed out to us, and that we will endeavour to make right Reason and a Calm Reflection upon things the Standard of all our Proceedings

Your Excellencys Proposal of a Limitation in Time to Suits in Appeal from the Court of Chancery, and also of the necessity of vesting sufficient Powers in the Person of the senior Councillor present for determining Causes in Appeal, and whatever may be defective in the Act against Engrossing and regrating shall come under Our due Consideration, seeing that we are so well assured of your Excellencys good Inclinations, as well to advance the Interests, as to secure the Property of the People of this Province: We should fail in doing Justice to your Character if we did not in this publick manner acknowledge your incessant Care and great Circumspection in whatever nearly regards the Publick Weal thereof, and of which We have an eminent Example in your Recommendation of a separate Repository for the Old publick Records by the appointment whereof the Inhabitants of this Province will have a double Security in their Estates. U. H. J. p. 6

Your Excellencys generous tender of your good Offices in whatever may advance the United Interests of His Majesty, the Lord Proprietary, and the Good People of this Province exacts our gratefullest Returns, and at this Time calls upon both Houses of Assembly to come heartily and zealously into the Consideration of all such ways and means as may effectually promote the true Interest of Maryland.

Which Address was subscribed by all the Members present

Adjourn'd till to Morrow Morning Eight of the Clock.

Saturday Morning 12th July 1729 July 12

This House met again according to Adjournment.

Present as yesterday

Read the Petition of Thomas Jacks a languishing Prisoner in Ann Arundel County Prison

Read the Petition of Benjamin Freeman a languishing Prisoner in Ann Arundel County Goal

Read the Petition of Thomas Worsley a languishing Prisoner in Ann Arundel County Prison

Read the Petition of Edward Harris of Queen Anns County praying some Allowance for his Attendance at a Provincial Court as an Evidence against Major Perrie and others

Read the Petition of Hezekiah Clark a languishing Prisoner in Ann Arundel County Prison

Adjourn'd till two of the Clock in the afternoon

Saturday Afternoon

This House met again according to Adjournment p. 7

Present as in the Morning

U. H. J. The Petitions of the Insolvent Debtors read in the Morning are ordered to be severally thus Endorsed

By the Upper house of Assembly 12th July 1729

Read and referred to the Consideration of the Lower House of Assembly, Regard being had to the securing the Sheriff his Imprisonment fees

Signed ꝑ Order John Ross Cl. Up. Ho.

The Petition of Edward Harris read in the Morning is ordered to be thus Endors'd

By the Upper House of Assembly 12th July 1729

Read and recommended to the Consideration of the Lower House of Assembly to make Allowance being for the Publick Service

Signed ꝑ Order John Ross Cl Up Ho.

All the Petitions above mentioned sent to the Lower House by Philemon Lloyd Esqr

Read the Petition of Christian Peters a native of Germany praying Leave to bring in a Bill for his Naturalization. Ordered to be thus Endorsed,

By the Upper House of Assembly 12th July 1729

Read & recommended to the Consideration of the Lower house of Assembly

Signed ꝑ Order John Ross Cl Up. Ho.

Sent to the Lower House by Coll Tilghman

Adjourn'd till Monday Morning Eight of the Clock

July 14 Monday Morning 14th July 1729

This House met again according to adjournment

Present

*p. 8 The Honble

Edward Henry Calvert Esqr	Coll. M. Tilghman Ward
	John Rousby Esqr
Coll William Holland	Benjamin Tasker Esqr
John Hall Esqr	Philip Lee Esqr
Coll Richard Tilghman	Coll John Rider

Members of the Upper House

Read the Petition of the Vestrymen Church Wardens and Inhabitants of the Parish of All Hallows in Ann Arundel County praying that a Bill may be brought in to levy a Quantity of Tobacco upon the Taxable Persons of the said Parish to build a New Convenient Brick Church U H. J.

Read the Petition of several of the Inhabitants of Baltemore [County] praying that a Bill may be brought in for the building a Town on the North Side of Potapsco River upon the Land supposed to belong to Mess^rs^ Charles and Daniel Carrol.

Adjourn'd till two of the Clock in the Afternoon

Monday Afternoon

This House met again according to Adjournment

Present as in the Morning

The Petitions read in the Morning are ordered to be severally thus Endorsed

By the Upper House of Assembly 14th July 1729

Read & referred to the Consideration of the Lower house of Assembly

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower House by Coll Matthew Tilghman Ward

His Excellency the Governor is pleased to Communicate to this House by the Hands of Edward Henry Calvert Esq^r^ his Answer to the Address of this House in the following Words viz.

Gentlemen. p. 9

Your very kind Address, is most agreeable to me, and I sincerely thank you for your favourable Opinion of my Words and Actions, which will yet more and more animate me, to prosecute with Care and Affection, the General Welfare of the Government and People of Maryland

Benedict Leonard Calvert

Ordered that the said Address with His Excellencys Answer be forthwith printed

Adjourn'd till to morrow Morning Eight of the Clock

Tuesday Morning 15th July 1729 July 15

This House met again according to Adjournment

Present as yesterday.

U. H. J. The following Message being prepared is sent to the Lower House by John Rousby Esq^r^

By the Upper House of Assembly 15th July 1729

Gentlemen.

We recommend to your Consideration to repeal or otherwise restrain the force of the Act against forging and counterfeiting foreign Coyns Gold or Silver so farr as relates to Clipping thereof, such being useful in Change, since the late Regulation of Coyn

Signed ꝑ Order John Ross Cl Up Ho:

Adjourn'd till two of the Clock in the Afternoon

Tuesday Afternoon

This House met again according to Adjournment

Present as in the Morning with the Addition of Philemon Lloyd Esq^r^

p. 10 A Bill from the Lower House by M^r^ George and M^r^ Knight Entituled an Act for the Naturalization of Christian Peters of Cecil County a native of Germany thus Endorsed

By the Lower house of Assembly 15th July 1729

Read the first and second time by an Especial Order, & will pass

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Read in this house and ordered to be thus Endorsed

By the Upper house of Assembly 15th July 1729

Read the first & second time by an Especial Order & will pass.

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower house by Benj^a^ Tasker Esq^r^

A Bill from the Lower house by M^r^ Hollyday & M^r^ Thompson Entituled an Act repealing part of an Act Entituled an Act against forging and Counterfeiting of foreign Coyns Gold or Silver made at a Session of Assembly begun and held at the then Town and Port of Annapolis 26th Day of March Anno Dni 1707 thus Endorsed

By the Lower house of Assembly 15th July 1729

Read the first and second time by an Especial Order, & will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first Time in this house and Ordered a second Reading to Morrow Morning.

A Bill prepared in this House Entituled an Act to prevent the Untimely Killing of Deer being read is Ordered to be thus Endorsed U. H. J.

By the Upper house of Assembly 15th July 1729

Read the first time & Ordered to lye on the Table

Signed ꝑ Order John Ross Cl Up Ho.

Adjourned till to Morrow Morning Eight of the Clock

Wednesday morning 16th July 1729 July 16

This House met again according to Adjournment p. 11

Present as yesterday

Read a second Time the Bill for preventing the Untimely killing of Deer, Ordered to be thus Endorsed

By the Upper House of Assembly 16th July 1729

Read a second Time, and will pass

Signed ꝑ Order John Ross Cl Up. Ho.

Sent to the Lower house by Philip Lee Esqr

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning.

Read a second time the Bill Entituled an Act repealing Part of An Act Entituled an Act against forging and counterfeiting of foreign Coyns Gold or Silver made at a Session of Assembly begun and held at the then Town and Port of Annapolis 26th Day of March Anno Domini 1707. Ordered to be thus Endorsed

By the Upper house of Assembly 16th July 1729

Read a second time & will pass the Preamble in the following Words being added thereto,

Whereas at a Session of Assembly held at the City of Annapolis Anno 1707 there was an Act passed to prevent amongst other things the Clipping of all Sorts of foreign Coyns, but forasmuch as such Coyns both of Gold & Silver do at this Time pass Current by Weight, and not by Tale as heretofore; whereby the mischiefs of Clipping are effectually prevented; & seeing that the Cutting or Cliping of foreign Coyns is now in some measure necessary for the making of Change; This present Genl Assembly taking into

U. H. J. their serious Consideration the Grievous Penaltys inflicted by the s^d^ Act upon Persons cliping foreign Coyns as af^d^ have thought fit to repeal so much of the s^d^ Act as related thereto Wherefore Be it Enacted &c.

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Coll Rider

p. 12 Read the Petition of several of the Inhabitants of Charles County praying that a Bill may be brought in for the building a Town at the head of Port Tobacco Creek; Ordered to be thus Endorsed,

By the Upper house of Assembly 16th July 1729

Read & Referred to the Consideration of the Lower house of Assembly

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by John Hall Esq^r^

A Bill from the Lower house by Major Hanson & M^r^ Stoughton Entituled an Act for the more effectual punishing of Negroes and other Slaves, & for taking away the Benefit of Clergy from Certain Offenders thus Endorsed

By the Lower house of Assembly 16th July 1729

Read the first and second time by an Especial Order, & will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first Time in this house & Ordered to lye on the Table

A Bill from the Lower house by M^r^ George and M^r^ Chamberlin Entituled a Supplementary Act to the Act for regulating Writts of Error, & granting Appeals from and to the Courts of Common Law within this Province thus Endorsed

By the Lower house of Assembly 16th July 1729

Read the first Time and Ordered to lye on the Table

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

By the Lower house of Assembly 16th July 1729

Read the second Time by an Especial Order, & will pass.

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first Time in this House & Ordered to lye on the Table

Adjourned till to Morrow Morning Eight of the Clock

Thursday Morning 17th July 1729

U. H. J.
July 17
p. 13

This House met again according to Adjournment

Present as yesterday

Read the Petition of John Hodson secundus of Dorchester County praying Relief in the Recovery of the Rents & fines purchased by him of Mr Snowden, & Ordered to be thus Endorsed

By the Upper house of Assembly 17th July 1729

Read & rejected it not appearing to this House but the Petitioner may have his Remedy at Law

Signed ꝑ Order John Ross Cl Up Ho.

An Engrossed Bill from the Lower House by Mr Johnson & Mr Knight Entituled an Act for the Naturalization of Christian Peters of Cecil County a native of Germany thus subscribed

17th July 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Ordr M: Macnemara Cl. Lo. Ho.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read a second time the Supplementary Act to the Act for regulating Writts of Error & granting Appeals from & to the Courts of Comōn Law within this Province & Ordered to be thus Endorsed

By the Upper House of Assembly 17th July 1729

Read a second Time & will pass with the following Alterations viz. To the Title of the sd Bill the following Words be added *And for regulating Appeals from the Court of Chancery;* And in the fourth Line of the third Paragraph of the sd Act instead of the Words; *the said Court of Appeals without Regard had to the first in Commission of His Lordships Council in Case he be absent,* be inserted, *in Case the Governor & the first in Commīn of His Lordships Council be absent from the Court of Appeals, the Senr Councillor then present in Court shall preside & the sd Court shall* and between the Words, *the,* and *first,* in the 8th & 10th Lines of the third Paragraph be interlined the Words, *Governor or,* the Words, *the Continuance of* in the 2d Line of the last Paragraph to be omitted, & in the third Line of the last Paragraph instead of the Words, *be under the same Limitation,* the following Words be inserted, *shall* p. 14

U. H. J. *be subject to the same Regulation & Limitation as to the Prosecution of them.*

Signed ꝑ Order John Ross Cl Up Ho.

A Bill from the Lower house by Mr Dulany & seven more Entituled an Act for the better Administration of Justice in Testamentary Affairs, granting Administrations, Recovery of Legacies, securing filial Portions & Distribution of Intestates Estates & for repealing the several Laws therein mentioned thus Endorsed

By the Lower House of Assembly 12th July 1729

Read the first Time & Ordered to lye on the Table

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

By the Lower house of Assembly 17th July 1729

Read the second Time and will pass

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Adjourned till to Morrow Morning Eight of the Clock

July 18 Friday Morning 18th July 1729

This House met again according to Adjournment

Present as Yesterday except Benjamin Tasker Esqr

The Bill Entituled a Supplementary Act to the Act for regulating Writts of Error & granting Appeals from & to the Courts of Common Law within this Province, with the Endorsement thereon made Yesterday in the Afternoon, sent to the Lower house by Philemon Lloyd Esqr

Adjourned till two of the Clock in the Afternoon

p. 15 Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read a second Time the Bill for the more effectual punishing of Negroes and other Slaves & for taking away the Benefit of Clergy from Certain Offenders, Ordered to be thus Endorsed

By the Upper House of Assembly 18th July 1729

Read a second time, and will pass; the following Amendments being made thereto viz. Between the Words, Or, and Burning, in the fourth Line of the second Paragraph, be put in the Word, wilfully, That the Words award Execution, in the beginning of the 6th Line of the same Paragraph be left out; and that part of the sd

Paragraph giving the Judges a discretionary Power of punishing, U. H. J. be omitted: And that the Judgment for the Crimes mentioned in the said Act, be, To have the Right Hand cut off, the Offender hanged in the usual manner, the head severed from the Body, the Body divided into four Quarters, and the head and Quarters set up in the most publick Place of the County where the Fact was committed, And that a Clause be inserted, to allow the Owner of any Slave that shall be executed for any Crime or Crimes whatsoever, the whole Value of the s^d^ Slave, instead of Three fourths allowed by a former Law

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Coll M. T. Ward

A Message from the Lower house by Major Hanson and M^r^ Hamilton

By the Lower house of Assembly 18th July 1729

May it please Your Honours

The very low State of the Tobacco trade, makes it the Duty of Every Man in Maryland, to consider of the most probable means he can think of, to raise the Price of it, since We have very little else to depend on to supply us with common Necessaries, besides the Produce of that Commodity. This Consideration has put us as well upon examining the late Tobacco Law, correcting some things in it, that We conceive to be amiss, and making some other Provision to p. 16 render it more effectual; as also upon considering the Advantages which would probably result from concerting Measures with Our Neighbours of Virginia (who depend upon the Produce of Tobacco as well as We do) to raise the Price of Our Staple. And this House being unanimously of Opinion, that a friendly Correspondence with Virginia, to the Ends already mention'd would be very advantageous to both Countries: We desire Your Honours will appoint some of your Members to confer with some Members of this House, concerning the best Method of carrying on such a Correspondence

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Whereunto the following Answer being prepared is sent to the Lower House by Coll Tilghman

By the Upper house of Assembly 18th July 1729

Gentlemen

In Answer to your Message this Afternoon by Major Hanson and M^r^ Hamilton This House hath appointed Philemon Lloyd, John Rousby & Philip Lee Esq^rs^ to meet any of the Members your House shall appoint, in a Conference to consider of the means of carrying

U. H. J. on a friendly Correspondence with Our Neighbours of Virginia, in Order to raise the Price of Tobacco, who will be ready to attend at the house of Mr George Neilson, on Tuesday next, being the 22d of this Instant July at Ten of the Clock in the forenoon

Signed ꝑ Order John Ross Cl. Up. Ho.

A Message from the Lower House by Mr Crabb and Mr Tolly

By the Lower house of Assembly 18th July 1729

May it please your Honours

This House having taken into Consideration the Inconveniences the People are lyable to, from a Want of the Officers fees being reduced to a Certainty; and that the fees mentioned in a Bill proposed to be passed last Session, are adequate Rewards for the Services to p. 17 be done for them. We therefore desire your Honours Concurrence with us, in passing a Bill into a Law of the same Nature, with that agreed to by both Houses last Sessions; the fees being subject to the same deduction that other Tobacco Debts and Dues are Subject to, by the Act for the Improvement of the Staple of Tobacco

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

The Engrossed Bill for the Naturalization of Christian Peters a Native of Germany, being read, is assented to by this House & Ordered to be so subscribed

The Paper Bill so Endorsed is sent to the Lower house by Col. Ward

Adjourned till to Morrow Morning Eight of the Clock

July 19 Saturday Morning 19th July 1729

This House met again according to Adjournment

Present as yesterday

A Bill from the Lower house by Mr Hanson & Mr Holyday Entituled an Act reviving & Continuing an Act ascertaining the Gauge and Tare of Tobacco hhd &c thus Endorsed

By the Lower House of Assembly 17th July 1729

Read the first Time and Ordered to lye on the Table

Signed ꝑ Order M. Macnemara Cl. Lo. Mo.

By the Lower House of Assembly 19th July 1729

Read a second Time, and will pass.

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Read the first Time in this House & Ordered to lye on the Table. U. H. J. p. 18

A Bill from the Lower House by Coll Belt & Mr Turbut Entituled An Act to prevent the Untimely killing of Deer thus Endorsed

By the Lower House of Assembly 19th July 1729

Read the first & second Time by an Especial Order, & will pass

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

A Bill from the Lower house by Major Hanson and Mr Courts Entituled an Act for the laying out of Land & Erecting a Town at the Head of Port Tobacco Creek in Charles County thus Endorsed

By the Lower house of Assembly 18th July 1729

Read the first Time & Ordered to lye on the Table

Signed ꝑ Order M. Macnemara Cl Lo Ho.

By the Lower house of Assembly 19th July 1729

Read the second Time & will pass

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Read the first Time in this house and Ordered a second reading on Monday morning 21st Instant.

A Bill from the Lower House by Mr Crabb and Mr Robins Entituled an Act for the more Effectual punishing of Negroes, with the following message

By the Lower House of Assembly 19th July 1729

May it please your Honours

We agree with your Honours as to the Amendments proposed to this Bill; but We cannot agree to insert a Clause therein, that the Owner of a Slave, who shall be executed, shall be paid the Whole Value of such Slave; because We are apprehensive that paying the whole Value would make the Owners of Slaves less careful in keeping their Slaves within due Bounds, as they ought to be kept, & as they will probably be when the Interest of their Owners is joined with their Duty

Signed ꝑ Order M. Macnemara Cl Lo. Ho.

Which being read, is Ordered to be thus Endorsed

By the Upper House of Assembly 19th July 1729

Read & will pass, as proposed in your Message of this Day by Mr Crabb & Mr Robins

Signed ꝑ Order John Ross Cl Up Ho.

U. H. J. Sent to the Lower House by Coll Rider

p. 19 An Engrossed Bill from the Lower House by Mr Turbutt & Mr Blackistone Entituled an Act repealing Part of An Act Entituled an Act against forging & Counterfeiting of foreign Coynes Gold or Silver, thus Subscribed

19th July 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Read the first Time in this house, the Bill for the better Administration of Justice in Testamentary Affairs &c. & Ordered to lye on the Table

Adjourned till two of the Clock in the Afternoon.

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning except Philip Lee Esqr

Read the Petition of John Smith late Sheriff of Cecil County Prisoner in the Goal of the sd County

The following Message being prepared is sent to the Lower house by John Rousby Esqr

By the Upper House of Assembly 19th July 1729

Gentlemen.

We are not a little surprized to find that an Original bill, Intituled an Act to prevent the untimely killing of Deer, sent down to your House upon 15th Instant by Philip Lee Esqr hath been suppressed or otherways concealed in your House, as We have a great Deal of Reason to suspect by another bill of the like Nature this Day sent up from your house by Col Belt and Mr Turbut

Signed ꝑ Order John Ross Cl Up Ho.

A message from the Lower house by Mr Saml. Hanson & Mr Jenings

By the Lower house of Assembly 19th July 1729

May it please your Honours

In Answer to your Message of yesterday by Col Tilghman We have appointed Mr Dulany Mr Samuel Hanson, Mr Jenings, Coll Gale, Mr Crabb, & Mr Hollyday to joyn the Members of your House therein proposed, in a Conference to consider of the Means to carry on a friendly Correspondence with Our Neighbours of Virginia; who will be ready to attend at the Time & Place appointed by your Honours. U. H. J.

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

An Engrossed Bill from the Lower House by Mr Hollyday & Mr Hemsley Entituled a supplementary Act to the Act for regulateing Writts of Error & granting Appeals from & to the Courts of Common Law within this Province & for regulateing Appeals from the Court of Chancery thus subscribed p. 20

19th July 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Which being read in this house is assented to, & ordered to be so subscribed

Read the Engrossed bill Entituled an Act repealing Part of an Act Entituled an Act against forging & Counterfeiting of foreign Coyns Gold or Silver, which being assented to is ordered to be so subscribed

Both the Paper Bills so Endorsed are sent to the Lower House by John Hall Esqr

A Message from the Lower House by Major Hanson & Coll Ennals, together with the Bill to prevent the untimely killing of Deer prepared in this House

By the Lower House of Assembly 19th July 1729

May it please your Honours

The Bill your Honours were pleased to send Us, to prevent the Untimely killing of Deer, is not suppressed or concealed, but appear'd to this house on reading of it, to be so defective, that it was impracticable to amend it on the same Paper, so as to make it fit to be passed into a Law; and this House being of Opinion, that it will be of publick Advantage to prevent the untimely killing of Deer, We have drawn such a Bill as We hope will answer Your Honours & Our Intentions, which We have sent to you; & to Convince Your Honrs that your Bill is not suppressed or concealed, We herewith send it to you: And wish that for the future, Your Honours would treat Us with more Decency, than you have been pleased to do in your Message of this Day by John Rousby Esqr which contains a Charge against Us, that We are certain no Part of Our Conduct deserves

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Adjourned till Monday Morning Eight of the Clock

U. H. J. Monday Morning 21st July 1729

July 21 p. 21 This house met again according to Adjournment

Present

The Hoñble Edward Henry Calvert Esqr
John Hall Esqr
Philemon Lloyd Esqr
Coll Rd Tilghman
Coll M. T. Ward
John Rousby Esqr
Benj. Tasker Esqr
Coll. John Rider
Members of the Upper House

A Bill from the Lower house by Mr Crabb and Mr Young Entituled an Act for raising a Duty of Three pence ꝑ hhd on all Tobacco exported out of this Province for the Uses therein mentioned, thus Endorsed

By the Lower House of Assembly 19th July 1729

Read the first Time & Ordered to lye on the Table

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

By the Lower house of Assembly 21st July 1729

Read a second Time & will pass.

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Read the first Time in this house & Ordered to lye on the Table

Read a second Time the Bill Entituled an Act for the laying out of Land & erecting a Town at the head of Port Tobacco Creek in Charles County & Ordered to be thus Endorsed

By the Upper house of Assembly 21st July 1729

Read a second Time & will pass

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Philemon Lloyd Esqr

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

p. 22 The Petition of John Smith being read is ordered to be thus Endorsed

By the Upper house of Assembly 21st July 1729

The within Petition is read & referred to the Consideration of the Lower house of Assembly

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower house by John Hall Esq^{r}

An Engrossed bill from the Lower house by Coll Ennals and M^{r} Edmonson Entituled an Act for the more effectual punishing of negroes & other Slaves & for taking away the Benefit of Clergy from certain Offenders thus subscribed

21st July 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read & assented to by this House & ordered to be so subscribed, the Paper Bill so Endorsed is sent to the Lower house by Philemon Lloyd Esq^{r}

Read the Petition of the Rector Church wardens Vestrymen & Parishioners of S^{t} Anns Parish in Ann Arundel County praying an Assessment of forty thousand pounds of Tobacco towards building a Chappel of Ease & repairing the Church in the s^{d} Parish & Ordered to be thus Endorsed

By the Upper house of Assembly 21st July 1729

The within Petition is read & recommended to the Consideracōn of the Lower house of Assembly

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Philemon Lloyd Esq^{r} & the following Message

By the Upper house of Assembly 21st July 1729

Gentlemen.

This house having Reason to believe, that the Enlargement of the Church of S^{t} Ann's Parish in Ann Arundel County, will occasion an Alteration of the Publick Pews therein, We recommend it to your House to make an Allowance in the Publick [Levy] for the Expence of the same

Signed ꝑ Order John Ross Cl Up Ho.

Read the Petition of James Maxwell of Baltemore County & Ordered to be thus Endorsed

By the Upper house of Assembly 21st July 1729 p. 23

Read & Rejected

Signed ꝑ Order John Ross Cl Up Ho.

U. H. J. Read a second Time the Bill Entituled an Act reviving & Continuing an Act ascertaining the Gauge & Tare of Tobacco hh^{ds} &c & Ordered to be thus Endorsed

By the Upper house of Assembly 21st July 1729

Read a second Time & will pass

Signed ꝑ Order John Ross Cl. Up Ho.

Sent to the Lower house by Coll Tilghman

Adjourned till to Morrow Morning Eight of the Clock.

July 22 Tuesday Morning 22^{d} July 1729

This House met again according to adjournment

Present as Yesterday with the Addition of Coll Holland

Read a second time the Bill Entituled an Act for raising a Duty of Three pence ꝑ hh^{d} on all Tobacco exported out of this Province for the Uses therein Mentioned, & Ordered to be thus Endorsed

By the Upper House of Assembly 22^{d} July 1729

Read a second Time & will pass with the following Amendment viz.

That the Continuance of the s^{d} Act be for Three Years

Signed ꝑ Order John Ross Cl. Up Ho.

Sent to the Lower house by Coll M. T. Ward

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to adjournment

Present as in the Morning

The following Message being prepared is sent to the Lower house by John Rousby Esq^{r}

By the Upper House of Assembly 22^{d} July 1729

Gentlemen.

On Considering your Message of the 18th Instant by M^{r} Crabb & M^{r} Tolley, We readily concur with your house, that both the Officers & People of this Province, are subject to great Inconveniences for Want of a Law for the Regulation of Officers fees, & would willingly joyn Our Endeavours for preventing the like In- p. 24

conveniences for the future, but we cannot reasonably expect the Method you propose will prove effectual for obtaining that good End; first because His Excellency Our Governor at the Conclusion of the last Session of Assembly in a publick manner assured both houses that he was positively restrained by his Lordship's Instructions from passing the Bill you mention as it then stood (which Instruction he hath been pleased this Day to communicate to Us) and secondly because the fees regulated in the year 1719 were thought to be but a suitable support for the services to be done: And finding that the before mentioned Instruction restrains the Gov^r^ from passing any Law for regulating Officers fees that shall reduce them to a less Value than the Regulation af^d^ We are of Opinion that We shall but spend Our Time & the Countrys Money to no Purpose in proposing a farther Reduction of them, but if you think fit to prepare a Bill pursuant to that Regulation of 1719, it may probably succeed, but we take Leave to observe that We think it an Unparliamentary Way of Proceeding to agree upon the passing a Bill by Messages between the Two houses before those Bills are drawn U. H. J.

Signed ꝑ Order John Ross Cl Up Ho.

A Bill from the Lower house by Coll Herman & M^r^ Turbutt Entituled an Act for raising a Duty of Three Pence ꝑ hh^d^ on all Tobacco exported out of this Province for the Uses therein mentioned; with the following Message

By the Lower house of Assembly 22^d^ July 1729

May it please your Honours

This house having considered the Alteration proposed by your Honours to the Bill, Entituled, an Act for the raising a Duty of three pence ꝑ hh^d^ on all Tob^o^ exported out of this Province for the Uses therein mentioned, cannot agree to make the Alteration proposed by your Honours; so desire you will pass the Bill as it now stands

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Adjourned till to Morrow Morning Eight of the Clock

Wednesday morning 23^d^ July 1729

July 23
p. 25

This house met again according to Adjournment

Present as Yesterday with the addition of Philip Lee Esq^r^

Read the Petition of Negro William Barton praying Leave to bring in a Bill to confirm a Right to his heirs & Representatives in

U.H.J. a Tract of Land purchased by him of Mr Chew & Ordered to be thus Endorsed

By the Upper house of Assembly 23d July 1729

Read & Rejected

Signed ꝑ Order John Ross Cl Up Ho.

Two Engrossed bills from the Lower house by Mr George & Mr Young, One Entituled an Act for laying out Land & Erecting a Town at the head of Port Tobacco Creek in Charles County, the Other Entituled an Act concerning the Gauge and Tare of Tobacco hhds &c Severally thus Subscribed

23d July 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

A Message from the Lower house by Major Hanson & Coll Ennals

By the Lower house of Assembly 23d July 1729

May it please your Honours

This house being of Opinion that it is necessary to have an Agent in Great Britain to transact & negotiate the Affairs of the Province there have resolved to appoint One & desire Your Honours Concurrence

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the Bill brought from the Lower house Entituled an Act to prevent the Untimely killing of Deer; Ordered to be thus Endorsed

By the Upper House of Assembly 23d July 1729

Read & will not pass.

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house with the following Message by Benjn Tasker Esqr

By the Upper House of Assembly 23d July 1729

Gentlemen

p. 26 The sending up a Bill from your House Entituled an Act for the preventing the untimely killing of Deer, instead of the proper Amendments (if your house saw Cause for making any) to an Original bill of the like nature framed in this House, & sent down for your Concurrence, did very justly alarm Us, & gave but too just Cause of Suspicion, as it was intimated in our Message of the 19th Instant, (nothing appearing to the Contrary) that something more than mere Accident or Inadvertency had given Occasion to so extraordinary a Procedure U. H. J.

If thus alarmed, & One great Privilege of this House so manifestly struck at, (nothing We say appearing to the Contrary) it cannot be thought strange, that We should have suspected our Bill had been designedly suppressed or concealed in your House. If you thought this to have been a harsh Censure, We answer, that it was very unparliamentary, to send Us another Bill of your own drawing, instead of Amendments to our Bill sent down to you. And altho you are pleased to say in your Message by Major Hanson & Coll Ennals, that upon the reading of Our Bill in your House, it appeared to be defective, & the Amendment thereof impracticable, as it appears to be by the Bill sent up to Us, which however We are well assured, was made so in your house; for mutilated & interlined as it is, it was so done, & sent up to Us from your House, without any Endorsement either that it would pass, or had been rejected by you, which Practice upon Bills sent from either House, We take to be altogether unparliamentary & without Precedent

For which Reasons, We think Ourselves abundantly justifyed in Our Conduct; & that Our Good Temper shewn upon such an Occasion, whereon We have just Cause of Complaint, ought to be taken as an evident Proof of Our Inclinations to Cultivate a good Understanding with your House, which We take as the most effectual means of promoting the publick Good

Signed ꝑ Order John Ross Cl Up. Ho.

A Bill from the Lower House by Mr Matthews & Mr Scott Entituled An Act for Erecting a Town on the North Side of Potapsco River in Baltemore County &c thus Endorsed p. 27

By the Lower house of Assembly 23d July 1729

Read the first & second Time by an Especial Order, & will pass

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Read the first Time in this house & Ordered to lye on the Table

Read the Report of the Commrs for regulating & dividing the Parishes in St Marys & Charles Counties & Ordered to be thus Endorsed

By the Upper house of Assembly 23d July 1729

On reading the within Report We observe the Bounds of some of the Parishes seem to be uncertainly described, however being

U. H. J. Strangers to the Scituation of the Places, this House refers it to the Consideration of the Lower house of Assembly

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Coll. Rider

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the morning

Read the Petition of Hannah Maxwell on behalf of herself, & James & Ann Maxwell Minors praying a Bill may be brought in to confirm the Will of James Maxwell Deceased & Ordered to be thus Endorsed.

By the Upper house of Assembly 23^{d} July 1729

Read and Rejected

Signed ꝑ Order John Ross Cl Up Ho.

A Bill from the Lower house by M^{r} Crabb & Coll Belt Entituled an Act to confirm a Deed of Bargain & Sale from Stephen Yoakley to Thom^{s} Colmore thus Endorsed

By the Lower house of Assembly 23^{d} July 1729

Read the first & second Time by an Especial Order & will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

p. 28 The Conferees appointed by this house to carry on a friendly Correspondence with Our Neighbours of Virginia make their Report to this House as follows

At a Conference held at George Neilsons
23^{d} July 1729 present

The Honourable	Philemon Lloyd John Rousby Philip Lee		Esq^{rs} Members of the Upper house
	M^{r} Dulany M^{r} S^{t} Hanson M^{r} Jenings	M^{r} Gale M^{r} Crabb M^{r} Holyday	Members of the Lower house

The Conferees propose that both Houses of Assembly address the Governor to write to the Governor of Virginia to desire a friendly Correspondence between that Colony & this Province in Order to Concert measures to raise the Price of Tobacco (the only Staple & chief Dependance of the People of both Governm^{ts}) or anything else that may relate to the General Trade or Welfare of both Countrys; And if necessary to appoint proper Persons to meet & Consult any Gentlemen that shall be nominated in Virginia & concert the most probable means for the Ends and Purposes already mentioned which is humbly submitted to the Consideration of both Houses U. H. J.

Ralph Crabb	Dl Dulany	Phil Lloyd
Levin Gale	S. Hanson	Jn° Rousby
James Holyday	Edm. Jenings	Philip Lee

Adjourned till to Morrow Morning Eight of the Clock.

Thursday Morning 24th July 1729 July 24

This House met again according to Adjournment.

Present as yesterday.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the Petition of Elizabeth Jenifer praying Leave to bring in a Bill to Enable her to Act as Feme Sole, ordered to be thus Endorsed

By the Upper house of Assembly 24th July 1729

Read & Rejected

Signed ꝑ Order John Ross Cl Up Ho.

A Message from the Lower house by Captn Gordon & Major Hanson p. 29

By the Lower house of Assembly 24th July 1729

May it please your Honours

This house having taken into Consideration the Part of His Honour the Governor's Speech wherein he recommended to have separate Repositorys for the Publick Records, & being of Opinion that such Repositorys are absolutely necessary hath resolved to agree with Workmen to build One & appointed Mr Gordon & Mr Robt Hanson for that Purpose & desire Your Honours Concurrence & that you'l join One of your Members with them

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Adjourned till to Morrow Morning Eight of the Clock

U. H. J.
July 25

Friday Morning 25th July 1729

This House met again according to Adjournment

Present as yesterday except Coll Ward

Read the Bill Entituled an Act to confirm a Deed of Bargain & Sale from Stephen Yoakley to Thomas Colmore, Ordered to be thus Endorsed

By the Upper house of Assembly 25th July 1729

Read the first & second Time by an Especial Order & will pass
Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by John Hall Esqr

A Bill from the Lower House by Mr Beale & Mr Warfield Entituled an Act for the further Assessment of forty thousand pounds of Tobacco on the Inhabitants of St Anns Parish in Ann Arundel County for repairing the Church in Annapolis and building a Chappel of Ease in the sd Parish, thus Endorsed.

By the Lower House of Assembly 25th July 1729

Read the first & second time by an Especial Order, & will pass.
Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first Time in this house & Ordered to lye on the Table

Read a second Time the Bill for Erecting a Town on the North side of Potapsco River in Baltemore County & for laying out in p. 30 Lotts sixty Acres of Land in and about the Place where One John Fleming now lives, and Ordered to be thus Endorsed

By the Upper House of Assembly 25th July 1729

Read a second Time & will pass, the name of the Land being inserted, and a saving Clause as Usual in Bills of the like nature to be added
Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Coll Tilghman

Read the first Time a Bill prepared in this house Entituled an Act for the preservation of the Breed of Wild Deer, & Ordered to lye on the Table

Two Paper bills sent to the Lower house by Jno Rousby Esqr One Entituled an Act concerning the Gauge & Tare of Tobacco hhds thus Endorsed

By the Upper house of Assembly 23d July 1729

The Engrossed Bill whereof this is the Original is read & assented to
Signed ꝑ Order John Ross Cl. Up. Ho.

The other Entituled an Act for the Laying out of Land & Erecting a Town at the head of Port Tobacco Creek in Charles County thus Endorsed U. H. J

By the Upper house of Assembly 25th July 1729

The Engrossed Bill whereof this is the Original is read & assented to

Signed ℘ Order John Ross Cl. Up Ho.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The following Message being prepared is sent to the Lower house by John Rousby Esqr

By the Upper house of Assembly 25th July 1729

Gentlemen.

On reading your Message of 24th Instant by Mr Gordon, and Mr Robert Hanson, We do concur with the sd Message & have appointed Benjamin Tasker Esqr to join the Members appointed by your House but are of Opinion, that the Committee so appointed by both Houses to agree with Workmen, to build a separate Repository for the Records, do first consider of the Nature & Dimensions of the said house, the Conveniences therein, and the p. 31 Place whereon to Erect it; & make a Report of the same, in Order to be approved by both Houses

Signed ℘ Order John Ross Cl. Up. Ho.

The following Message being prepared is sent to the Lower house by Benjamin Tasker Esqr

By the Upper House of Assembly 25th July 1729

Gentlemen.

This House concurring with the Report of the Conferees doth propose (if your House hath agreed thereto) that a Committee of both Houses be appointed to draw up an Address to His Excellency the Governor pursuant to the sd Report

Signed ℘ Order John Ross Cl Up Ho.

Read the Petition of Richard Bennett Esqr praying Leave to bring in a Bill to Empower the Clerks of several Offices to deliver the Deeds of Certain Tracts of Land purchased by the sd Bennett

U. H. J. of the Widow of William Cornwallis at Riddlesdon & Others, & Ordered to be thus Endorsed

By the Upper house of Assembly 25 July 1729

Read & Referred to the Consideration of the Lower house of Assembly

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Philip Lee Esq^r

Adjourned till to Morrow Morning Eight of the Clock.

July 26 Saturday Morning 26th July 1729.

This House met again according to Adjournment

Present as yesterday except Coll Ward.

Read a second Time the Act for the Preservation of the Breed of Wild Deer, & Ordered to be thus Endorsed

By the Upper House of Assembly 26th July 1729

Read a second Time & will pass

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Coll Rider

Two Bills from the Lower house by M^r Dashiel & M^r Thompson One Entituled an Act Empowering the Justices of the several Counties within this Province to levy any Quantity of Tobacco, not exceeding Ten Pounds ꝑ Poll on Application to them made by the p. 32 Vestry & Church wardens of any Parish; the Other Entituled an Act for the Relief of Creditors & to prevent Frauds and Deceits occasioned by secret Sales Mortgages & Gifts of Goods & Chattels severally thus Endorsed

By the Lower house of Assembly 23^d July 1729

Read the first Time & Ordered to lye on the Table

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

By the Lower house of Assembly 26th July 1729

Read a second Time & will pass

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

Read the first Time in this house & Ordered severally to lye on the Table

The bill Entituled an Act for the Preservation of the Breed of Wild Deer brought from the Lower house by Mr King & Mr Johnson thus Endorsed U. H. J.

By the Lower house of Assembly 26th July 1729

Read the first & Second Time by an Especial Order, & will pass with the following Amendments viz. That between the first & second Lines of 3d Paragraph between the Words *formed within* be inserted these Words viz. that shall appear to have been killed between the fifteenth Day of January & *the last Day of July* & that the Words within the Time afd be left out, & that the Words limited by this Act, in the last Line be left out & in their stead be put these Words viz. *prohibited by this Act to kill Deer in*

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

A Bill from the Lower house by Mr Beale & Mr Waughop Entituled an Act for improving the Staple of Tobacco & for easing the Inhabitants of this Province in the Payment of Tobacco Debts thus Endorsed

By the Lower house of Assembly 22d July 1729

Read the first Time & Ordered to lye on the Table

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

By the Lower house of Assembly 25th July 1729 p. 33

Read a second Time & will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning except Coll. Tilghman

Read a second Time the Bill Entituled an Act for the better Administration of Justice in Testamentary Affairs &c Ordered to be thus Endorsed

By the Upper house of Assembly 26th July 1729

Read a second Time & will pass with the Amendments made in a Schedule herewith sent

Signed ꝑ Order John Ross Cl Up Ho.

U. H. J. By the Upper House of Assembly 26th July 1729

Sundry Amendments made to the Bill Entituled an Act for the better Administration of Justice in Testamentary Affairs &c.

Page 2d Line 3d	That the Words *which Persons so to be appointed shall hold and enjoy their respective Offices so long as they shall well behave themselves therein,* be left out
Page 7th Line 1st	That part of the Provisoe, nor shall the Judge give any other Allowances to any Admr or Admrs upon his her or their Accots but for Debts bona fide owing from the deceased & really paid or secured to be paid by the several & respective Admrs together with the necessary Charges, be left out
Page 9th Line 1st	That that Part of the Provisoe be lawful for the Justices of the sevl County Courts be left out, and that the Words be lawful for the Governor and Council of this Province be inserted instead thereof.
p. 34 Page 9th Line 1st	And that instead of the Words the Protestant Religion, the Religion of the Church of England be inserted.
Page 12th Line 6th	That instead of the Words applyed to defray the Charge of the County where the Accot is directed by this Act to be transmitted the Words following be inserted, be applyed to the support of the Government of this Province
Page 13th Line the last.	Instead of the Words to defray the County Charge where the Offence shall be committed, put the Words for the Support of Governmt
Page 16 Line 16	That from the Words by the Authority afd by and with the Advice & Consent afd the following Clauses & Paragraphs as far as to the Words to the Contrary notwithstanding in Page 18 Line 13th to be entirely left out & that instead thereof it be inserted That the Commissary General shall allow to all Executors and Administrators the Salary of Eight ꝑ Cent and no more upon the Amount of the whole Estate of Deceased Persons which shall come into their hands
Page 20 Line 8.	That the Words Twenty Pounds be left out & the Words Ten Pounds put instead thereof Add the Word, And, next after Tobacco in Page 23 Line 9th
Page 26 Line 6	Instead of the Words to defray the County Charge where the fact shall be committed, let the Words for the Support of Government be inserted
Same Page Line 14	That the Words not exceeding fifty pounds in money be added next after Letters Testamentary

Page 27 Line 1st That the Words for the Support of Government, be inserted next after Lord Proprietary instead of to defray the County Charge where the Deputy Commissary so offending shall reside U. H. J.

That the Word, only, be transposed & put next after the Word, Legacy, in 2d Page 27 Line 4th

Page 30 Line 5 That next after the Words, of the Good Usage; the Words, of the Orphans of Persons dying intestate & the Condition of the Security for their Estates be inserted instead of, and Condition of the Security or other Orphans p. 35

Page 33 Line 9 That the Words, for the Support of Government, or to which any Orphan or Minor shall be Entituled, to be left Out.

Page 37 Line 12 That the Words Ten ꝑ Cent, if in Specie five ꝑ Cent & no more, be left out and the Words, Eight ꝑ Cent, but if in Specie Nothing, be inserted

That the Words, Deputy Commissary, be left out in Page 40 Line 1st

That all that Part of the Clause in Page 44 relating to the Commissary General his giving Security be left out

Signed ꝑ Order John Ross Cl Up Ho

Sent to the Lower House by John Hall Philemon Lloyd Jno Rousby & Benjn Tasker Esqr

Adjourned till Monday Morning Eight of the Clock

Monday Morning 28th July 1729 July 28

This House met again according to Adjournment

Present

The Honourable
Edward Henry Calvert Esqr
John Hall Esqr
Philemon Lloyd Esqr
Coll Richard Tilghman
Benjamin Tasker Esqr
Philip Lee Esqr

Members of the Upper House

A message from the Lower house by Coll Gale & two others

By the Lower house of Assembly 28th July 1729

May it please your Honours.

This house hath resolved (as by your honours Message of the 25 Instant sent here by Benjamin Tasker Esqr was proposed) to ad-

U. H. J. dress the Governor in Conjunction with you pursuant to the Report of the Conferees appointed by both houses to settle a friendly Correspondence with Our Neighbours the Virginians & hath appointed Mr Dulany Coll Gale Mr Jenings & Mr Samuel Hanson to join any Members of your house to prepare the sd Address

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Read the first time the Bill Entituled an Act for improving the Staple of Tobacco & Ordered to lye on the Table

Read a second time the Bill Entituled an Act for the Relief of Creditors to prevent frauds and Deceits occasioned by secret Sales & Mortgages and Gifts of Goods and Chattels & Ordered to be thus Endorsed

By the Upper house of Assembly 28th July 1729

Read a second Time and will pass

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Philip Lee Esqr

Adjourned till two of the Clock in the Afternoon

p. 36 Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the morning with the addition of Coll Holland and John Rider Esqr

The following message being prepared is sent to the Lower house by Philemon Lloyd Esqr

By the Upper house of Assembly 28th July 1729

Gentlemen

In Answer to your Message of this Day by Coll Gale Mr Jenings and Mr Samuel Hanson this house hath appointed Philemon Lloyd and Philip Lee Esqr who are ready to joyn the Members appointed by your house for the Purpose contained in the sd Message at the house of Mr George Neilson immediately

Signed ꝑ Order John Ross Cl Up Ho.

A Bill from the Lower house by Mr Turbut and Mr Thompson Entituled an Act for the assessing Ten pounds of Tobacco ꝑ Pole on the Inhabitants of St. Pauls & St Lukes Parishes in Queen Anns County thus Endorsed

By the Lower house of Assembly 28th July 1729

Read the first and second time by an Especial Order and will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first Time in this house & Ordered to lye on the Table U. H. J.

A Bill from the Lower house by Mr Holyday and Coll Ennals Entituled an Act for the Importation of Gold and Silver into this Province thus Endorsed

By the Lower house of Assembly 28th July 1729

Read the first & second Time by an Especial Order & will pass
Signed ℘ Order M: Macnemara Cl. Lo. Ho.

Read the first Time in this house & Ordered to lye on the Table

Read a second time the Bill Entituled an Act for a further Assessmt of forty thousand pounds of Tobacco on the Inhabitants of St Anns parish in Ann Arundel County for repairing the Church in the City of Annapolis and building a Chappel of Ease in the sd Parish &c Ordered to be thus Endorsed

By the Upper house of Assembly 28th July 1729 p. 37

Read a second Time & will pass the Sheriff being allowed five ℘ Cent without Deduction for collecting the within Quantity of Tobacco
Signed ℘ Order John Ross Cl. Up Ho.

Sent to the Lower house by John Hall Esqr

A Bill from the Lower house by Mr Key and Mr Courts Entituled an Act for dividing the Parishes in St Marys and Charles County's thus Endorsed

By the Lower house of Assembly 28th July 1729.

Read the first & second Time by an Especial Order and will pass
Signed ℘ Order M: Macnemara Cl Lo. Ho.

Read the first Time in this house and Ordered to lye on the Table

Coll Belt and Mr Magruder Members of the Lower House attend with Mr Edward Sprigg a Member Elected to serve for Prince George's County in the Room of Major Perry deceased to see him Qualified, whereupon the sd Sprigg takes the Oaths appointed to be taken by Act of Assembly to the Government, and subscribes the Oath of Abjuration and Test pursuant to the Directions of the sd Act and then withdrew

Adjourned till to Morrow Morning Eight of the Clock

Tuesday Morning 29th July 1729 July 29

This house met again according to Adjournment

Present as yesterday

U. H. J. Read a second Time the Bill Entituled an Act Empowering the Justices of the several Countys within this Province to levy any Quantity of Tobacco not exceeding Ten ꝑ Poll on Application to them made by the Vestry and Church wardens of any Parish, Ordered to be thus Endorsed

By the Upper house of Assembly 29th July 1729

Read a second Time and will pass with the following Amendments viz. The Word, *The,* at the End of the seventh Line to be left out, and an Allowance of five ꝑ Cent without Deduction to the Sheriff

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Philemon Lloyd Esqr

Adjourned till two of the Clock in the Afternoon

p. 38 Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Bill from the Lower house by Mr Harris Mr Beale and Mr Worthington Entituled an Act to make and emit twenty four thousand pounds Current money of Maryland in Bills of Credit & for easing the Inhabitants of this Province in the Payment of Debts & to raise a fund to sink the sd bills of Credit thus Endorsed

By the Lower house of Assembly 25th July 1729

Read the first Time & Ordered to lye on the Table

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

By the Lower house of Assembly 29th July 1729

Read a second time & will pass

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

A Message from the Lower house with the Testamentary bill by Mr Crabb & five Others

By the Lower house of Assembly 29th July 1729

May it please Your Honours

This house hath taken into Consideration the Amendments proposed by your Honours, to the Bill for the better Administration of Justice in Testamentary Affairs &c, and cannot agree to the first of the sd Amendments Viz. to leave out, which Persons so to be appointed shall hold & enjoy their respective Offices so long as they shall well behave themselves therein; because the Office of Deputy Commissary (tho' not considerable as to the Profits of it) relates to the Administration of Justice that the faithful and just Execution of it, is of very great Consequence to his Majestys Subjects U. H. J. within this Province, that he gives Security for his good Behaviour in the Office, that he and his Sureties, and not the Commissary General are answerable for any Malefeazance or Negligence in his Office, that it is possible an Officer who holds his Office upon so precarious a Tenure as the Will and Pleasure of the Person who p. 39 nominates him, would be less solicitous to discharge his Duty as he ought (should the discharge thereof interfere with the Inclination of the Person appointing him) than to please the Person in whose Power it is to remove him, And that the Security of the People (which is the true End of instituting Offices & Officers) consists in a great Measure in Officers who are concerned in the Administracōn of Justice being independent: We conceive Ourselves to be justified in this Our Opinion by the Statute of the I W & M Ch.— whereby the Clerk of the peace who is named by Custos Rotularum has a freehold in his Office, altho' the Custos himself has but an Estate at will, as well as by the Arguments of the Reverend and Learned Judges in a Case concerning the Office of Clerk of the Peace, and that Officers, who have fees and Avails out of their Offices ought not, by the Common Law to be removed unless they misbehave themselves

The second Amendment proposed, Nor shall any Judge give any other Allowance &c. We conceive ought not to be left out of the present bill, because the Allowances in the former Acts, to which the present bill in this particular is exactly agreeable have been found to be just and reasonable

The third Amendment proposed, That the Justices of the several County Courts be left out and the Governor and Council inserted; This house cannot agree to because several Members thereof, have known by Experience that the Provision in the former Act Empowering the Governor & Council to secure the Orphans of Protestants from being educated in the Romish Religion has failed of having the desired Effect, many People who would readily have applyed to the County Courts upon such Occasions, having for fear of the Expence & fatigue of coming to Annapolis, made no application for the Remov^{l} of Orphans whose Fathers were Protestants, and who for Want of such Application have been brought up in the Popish Religion

The fourth Amendment proposed Viz. Instead of Protestant Religion the Religion of the Church of England to be inserted. This house cannot agree to because that any Provision to be made in an Act of Assembly to Educate the Children of Protestant Dissenters in the Communion of the Church of England would be (as We conceive) an Infringement of the legal Toleration granted to p. 40 Dissenters, which Toleration ought not to be violated on any Pretence whatsoever, and as the Bill provides that the Children of all

U. H. J. Protestants should be secured from being educated in the Romish Religion, so it is therein provided that Children whose fathers were of the Communion of the Church of England, should be instructed in the Doctrine and Principles of that Church, which We conceive to be sufficient.

The fifth Amendment proposed by your Honours Viz. To apply the fine to the support of Government & not to defray the County Charge. This house cannot agree to, because the Government is handsomely & liberally supported at the Expence of the Country, upon all Extraordinary as well as Ordinary Occasions. That the Taxes which the People we represent, pay, are greater than any other of Our fellow Subjects upon the Continent (who live in Peace) are burthened with; And that it is not improbable that if the fines were to be appropriated to the support of Government, they would be generally remitted to the Offending Officer, which cannot be done, when they are to be applyed as in the bill, and therefore such Application will best answer the design of the Legislature in imposing the fine, which Reasons (tis conceiv'd) will reach all the Amendments Your Honours have proposed concerning the Application of the fines to the Support of Government.

The Seventh Amendment your Honours propose This House cannot agree to because We conceive the Bill is much better as it is, than it would be, with the Alterations your Honours desire, & that the allowing Eight ꝑ Cent to Executors & Adm^{rs} upon the whole Account of all deceased Person's Estates, would be injurious to their Creditors & Representatives & in it self manifestly unjust

The Eighth Amendment you propose We cannot agree to because an Estate of the Value of Twenty pounds Current money (which may happen to be all that a Widow & several small and helpless Children may have to support them) is too inconsiderable to allow of any deduction for Commissary Generals fees

The Ninth Amendment this house agrees to & hath amended the bill accordingly

p. 41 The Eleventh Amendment proposed by your Honours Viz. To restrain the Deputy Commissary from passing any Account exceeding fifty pounds Curr^{t} money We cannot agree to, because a great many infirm as well as poor People who live in the remote parts of the Province cannot possibly come to Annapolis to pass their Accounts, which is known to have very often been the Case, 'tis true Commissions have always issued in such Cases to the Deputy Commissarys, or some other Persons (not more Skilful) to pass the Account of such Executors or Administrators, which Commissions (altho they increased the Commissarys fees) yet never could (as We conceive) improve the Understanding of the Deputy Commissary or make him more expert in Business or more Capable to pass an Account than he would be if he was Empowered by Act of Assembly to pass it; that the proposed Restraint cannot possibly be of any Advantage to any One Person in the Province, except the Commissary General, whose Interest (We conceive) ought not to stand in Competition with that of a whole Country: Besides the Restraint will appear to be altogether unnecessary, when it is considered that the Commissary General his passing an Account does not conclude a Representative or Creditor, any more than it would, if it were past by a Deputy Commissary: And the Deputy Commissary may probably (by Reason of his nearness to & Acquaintance with the People he has to do with) discover some frauds & Abuses in Exec^rs^ or Adm^rs^ or pretended Creditors, which may be easily concealed from the Commissary General who is for the most Part a Stranger to the People U. H. J.

As to the thirteenth Amendment. This house agrees to the Transposition of the Word, Only, as proposed by your honours, & also to the fourteenth Amendment, & amended the bill accordingly

The fifteenth Amendment proposed by your Honours viz. To leave out for the Support of Government, or to which any Orphan or Minor shall be entitled, This House cannot agree to, because We conceive an Alteration from the former Act of Assembly (which excepted Debts due to his Majesty in General Terms) is absolutely necessary, for all Obligations past to his Majesty, altho in Trust only for the Subject, or to his Lordship, may in Strictness be termed Debts due to his Majesty, or the Lord Proprietary, & yet that such debts ought not in Reason or Justice (as We conceive) to have any p. 42 Preference in payment to Debts on Obligations payable to the Creditor himself, & that Officers bonds lying out (as they must always do) ought not to be made Use of, to furnish a dishonest Executor or Administrator with a Pretence to delay the payment of a Debt justly due to an honest Creditor, which has often been the Case

The Sixteenth Amendment viz. Ten ꝑ Cent &c, to be left out We this house cannot agree to for the Reasons already mentioned

The Seventeenth Amendment proposed by your Honours viz. To leave out Deputy Commissary; This house cannot agree to, because that unless the Deputy Commissary is empowered to take Examinations concerning the Concealments of the Estates of deceased Persons, Several such Concealments will pass undiscovered, and (we conceive) that the Provision by this Bill to Enable the Deputy Commissary to make the necessary Enquiry, & take the proper Examinations will be as effectual to that purpose, as any Directions from the Commissary General (as a former Act directed) can be

The Eighteenth Amendment proposed by your Honours viz. To leave out the Clause relating to the Commissary General's giving Security: This house cannot agree to because 'tis as reasonable

U. H. J. that he should give security for the Ministerial Part of his Office (which is all that is intended by this house) as the Deputy Commissary, which is by a Law now in being provided for.

We desire your honours will pass the bill with an Amendment of confining the Security to be given by the Commissary General, to the ministerial part of his Office

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

An Engrossed Bill from the Lower house by Mr Jenings & Major Turbut Entituled an Act for the Relief of Creditors & to prevent frauds & Deceits occasioned by Secret Sales, Mortgages and Gifts of Goods & Chattels thus subscribed

29th July 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

An Engrossed bill from the Lower house by Mr King & Mr p. 43 Chamberlain Entituled an Act empowering & directing the Justices of the several Counties within this Province to levy any Quantity of Tobacco, not exceeding Ten ꝑ Poll on Application to them made by the Vestry & Church wardens of any Parish thus subscribed

29th July 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

A Bill from the Lower house by Mr Beale & Mr Worthington Entituled an Act for the assessing of so much Tobacco on the Inhabitants of All hallows Parish in Ann Arundel County as will build them a New Parish Church thus Endorsed

By the Lower house of Assembly 29th July 1729

Read the first & second Time by an Especial Order & will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

The following Message being prepared is sent to the Lower house by Coll Tilghman

By the Upper house of Assembly 29th July 1729

Gentlemen.

On reading & Considering an Act passed last Session Entituled, an Act to prevent the abuses of concealing Convicted felons, & other Offenders imported into this Province, and for the better Discovery of them; We are of Opinion, that by means thereof Persons importing & bringing Servants into this Province, may lie under hardships by being obliged to declare upon Oath to the best of their Knowledge, whether any Servant brought by them, hath been convicted of any Crime, and if any, of what Crime; which Oath, we conceive, to be too extensive, and may cause a Discovery of Offences of an Inferiour Nature, and not within the View of the Acts of Parliament for Transportation, but only to the Disparagement of such Servants: Wherefore, We recommend to your Consideration the preparing a Supplementary Bill to the sd Act, wherein all Persons importing or bringing any Servant or Servants into this Province, shall only be obliged to declare upon Oath to the best of their knowledge, whether such Servant or Servants be then under Sentence of Transportation, & for what Offence, and the Term of Years they have to serve, and what else may be thought necessary to be inserted or altered U. H. J.

Signed ꝑ Order, John Ross Cl. Up Ho.

Read the Bill Entituled an Act for the Preservation of the Breed of Wild Deer, Ordered to be thus Endorsed

By the Upper house of Assembly 29th July 1729

Read & passed for Engrossing with the Amendments proposed

Signed ꝑ Order John Ross Cl. Up. Ho.

Adjourned till to Morrow Morning Eight of the Clock.

Wednesday Morning 30th July 1729 July 30 p. 44

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower house by Mr Beale and Mr Matthews Entituled an Act against Engrossers and Regrators thus Endorsed

By the Lower house of Assembly 26th July 1729

Read the first Time & Ordered to lye on the Table

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

By the Lower house of Assembly 30th July 1729

Read a second Time & will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first Time in this house & Ordered to lye on the Table

Read a second Time the bill Entituled an Act for the Assessmt of so much Tobacco on the Inhabitants of All-hallows Parish in

U. H. J. Ann Arundel County, as will build them a new Parish Church, & Ordered to be thus Endors'd

By the Upper house of Assembly 30th July 1729

Read a Second Time and will pass

Signed ꝑ Order John Ross Cl Up Ho.

Read the Engrossed Bill Entituled an Act Empowering the Justices of the Sevl Countys to levy any Quantity of Tobacco not exceeding Ten pounds ꝑ Poll on Application of the Vestry & Church wardens of any Parish, & Ordered to be thus Subscribed

30th July 1729

Read & assented to by the Upper house of Assembly

Signed ꝑ Order John Ross Cl Up. Ho.

Read the Engrossed bill Entituled an Act for the Relief of Creditors & to prevent frauds & Deceits occasioned by secret Sales, Mortgages & Gifts of Goods & Chattels and assented to, & Ordered to be so subscribed, the three bills abovementioned sent to the Lower house by Benjamin Tasker Esqr

Read the first Time the bill Entituled an Act to make & Emit Twenty four thousand pounds Currt money of Maryland in Bills of Credit &c, and Ordered to lye on the Table.

Adjourned till two of the Clock in the Afternoon

p. 45 Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

The following Message being prepared is sent to the Lower House with the Bill for the better Administration of Justice in Testamentary affairs &c by Coll Tilghman & Philip Lee Esqr

By the Upper house of Assembly 30th July 1729

Gentlemen

In Answer to your Message of Yesterday by Mr Crabb & five more, wherein you refuse to agree with the greatest part of the Amendments, this house on mature Consideration thereof, thought convenient to make to the Bill, Entituled an Act for the better Administration of Justice in Testamentary Affairs &c. & having seriously considered your Objections to the sd Amendments do agree

To give up Our Amendment Page 9th Line 1st provided an Appeal be given to the Governor & Council, as well as One other Amendment in the same Page Line 3d & also One other Amendment Page 33d Line 9th; We are willing the Exception therein U. H. J. made should be confined only to Debts due to the King & Lord Proprietary their heirs & Successors, to their own Use & Benefit, & not to such as are applicable to the use of any other Person or Persons: which are the greatest Concessions We can make: And therefore We desire the Bill aforesaid (with the several other Amendments before made by this house, & which We now insist on) may pass

Signed ꝑ Order John Ross Cl Up Ho.

Read the Bill Entituled an Act for improving the Staple of Tobacco & for easing the Inhabitants of this Province in the payment of Tobacco Debts & Ordered to be thus Endorsed

By the Upper house of Assembly 30th July 1729

Read & will not pass

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house with the following Message by John Hall & Benjamin Tasker Esqr

By the Upper house of Assembly 30th July 1729

Gentlemen

Upon reading the Bill Entituled an Act for improving the Staple of Tobacco, & for easing the Inhabitants of this Province in the Payment of Tobacco Debts transmitted to us from your house for p. 46 Our Concurrence & having taken the same under Our most serious Consideration have made the following Observations thereon, which we hope will carry such Weight as to convince you of the necessity of Our not assenting thereto, tho' the said bill has been so long the Subject of your mature deliberations

By the Tobacco Law pass'd last Session many People of this Province are lyable to discount a fourth of their Debts if paid in Tobacco, & if in money at the Rate of Ten Shillings ꝑ hundred, on a Supposition that the Quantity of Tob° would be very much decreased, whereas by a natural Intendment of the Votes of your house, it appears, that such or even any Decrease of Tob° in Quantity is not now presumed to be a likely Effect of that Law, since you think not his Lordship Our Lord Proprietary any ways entituled to an Equivalent, which in Honour Justice & Gratitude could not otherways have been denyed;

This induces us to think it highly unreasonable that particular Persons should previously be subjected to a Defalcation of One fourth in their Dues, or tyed down to Ten Shillings ꝑ hundred for the whole, since the Effects of a Tobacco Law are manifestly un-

U. H. J. certain, whereby their lease might be rendered very unequal to the rest of the Inhabitants of the Province

The new Tobacco bill proposed for Our Concurrence We have thought ourselves obliged to reject for the beforementioned Considerations, but more particularly for the following Reasons: It is a Bill of the same Nature (some few Circumstances excepted) with the former; against the Sanction to which in Great Britain publick Oppositions it is well known are made and as the fate of the s^d Law is at present doubtful to us, the Attempt of making a new Law of the like nature may be thought a presumptuous anticipation of the Right of His Majesty and the Lord Proprietary to assent or Dissent to Laws passed here, & an Evasive Infringement of the Prerogative and would in Effect preclude this Province the Benefit of a Dernier Resort in Great Britain

As we are satisfyed your House acted with no such Views so indecent towards the Royal or Proprietary Prerogative as the before mentioned Constructions might suppose, but that the present Calamity of the Country induced you thereto, We recommend (to avoid any Causes of such Imputation) a Supplementary bill to the s^d Law proposing such Amendments as may be thought necessary & Convenient. p. 47

Signed ꝑ Order John Ross Cl. Up. Ho.

Adjourned till to Morrow Morning Eight of the Clock

July 31 Thursday Morning 31^st July 1729

This house met again according to Adjournment

Present as Yesterday

Read a second time the Bill Entituled an Act for the Assessment of Ten pounds of Tobacco ꝑ Poll on the Taxable Persons in S^t Pauls Parish in Queen Anns & Talbot Countys the next Levy & Ten ꝑ Poll the Ensuing; also for the assessing Ten ꝑ Poll yearly on the taxable Persons in S^t Lukes Parish in Queen Anns County, until they shall have raised sufficient to compleat a Church in the s^d Parish, & Ordered to be thus Endorsed

By the Upper house of Assembly 31^st July 1729

Read a second time & will pass.

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Coll Rider

Three Engrossed bills from the Lower house by M^r Dashiel and M^r Hemsley, One Entituled An Act for the further Assessment of forty thousand pounds of Tobacco on the Inhabitants of S^t Anns

Parish in Ann Arundel County for the repairing the Church in the City of Annapolis & building a Chappel of Ease in the s^d Parish, & for the Payment of a fourth part of the Charge by a publick Assessment on the whole Province for the Enlargement & Reparation of the s^d Church, One other bill Entituled an Act to confirm a Deed of Bargain & Sale from Stephen Yoakley to Thomas Colmore, also One other Bill Entituled an Act for Erecting a Town on the North Side of Potapsco River in Baltemore County & for laying out in Lotts Sixty Acres of Land in & about the Place where One John Fleming now lives, severally thus subscribed U. H. J.

By the Lower house of Assembly 30th July 1729

Read & Assented to & signed ꝑ Order

M: Macnemara Cl. Lo. Ho.

An Engrossed bill from the Lower house by M^r Warfeild & M^r Elliott Entituled an Act for the Assessment of so much Tob° on the Inhabitants of All-hallows parish in Ann Arundel County as will build them a new Parish Church thus subscribed p. 48

31st July 1729

Read & assented to by the Lower house of Assembly.

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

The Engrossed bills before mentioned being read, are assented to, & ordered severally to be so subscribed, the Paper bills so Endorsed are sent to the Lower house by Philemon Lloyd Esq^r

Read the Engrossed bill Entituled an Act for the Preservation of the Breed of Wild Deer & Ordered to be thus subscribed

31st July 1729

Read & assented to by the Upper house of Assembly

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower house with the Paper bill by Jn° Hall Esq^r

Read a second time the Bill Entituled an Act dividing the Parishes in S^t Marys & Charles Counties & Ordered to be thus Endorsed

By the Upper house of Assembly 31st July 1729

Read a second Time & will pass

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower house by Philemon Lloyd Esq^r

Adjourned till two of the Clock in the Afternoon

U. H. J. Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Bill from the Lower house by Mr Beale & Mr George Entituled an Additional & supplementary Act to the several Acts for the Administracōn of Justice in Testamentary Affairs thus Endorsed

By the Lower house of Assembly 31 July 1729

Read the first & second time by an Especial Order, & will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

The following Message was also brought by the Gentn aforesaid

By the Lower house of Assembly 31st July 1729

p. 49 May it please Your Honours

This house having considered your Message by Coll Tilghman and Philip Lee Esqr wherein your honours mention all the Concessions you thought fit to make concerning the Amendments proposed by your house to the Testamentary Bill hath ordered a much shorter Bill to be brought in to alter amend and add such things as both Houses have agreed should be altered amended and added in the former Acts relating to Testamentary Affairs, which this House conceives to be the best Expedient at present to dispatch Business & bring this Session to an End which bill We send you & desire your Honours Concurrence thereto.

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

A Bill from the Lower house by Coll Ennals & Mr Chamberlin Entituled an Act to ascertain the fees of Attorneys & other Persons practiseing the Law and to prevent Extortion Frauds & Abuses therein, thus Endorsed

By the Lower house of Assembly 31st July 1729

Read the first & Second time by an Especial Order & will pass.

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

Adjourned till to Morrow Morning Eight of the Clock

August 1 Friday Morning 1st August 1729

This House met again according to adjournment

Present as yesterday with the Addition of Coll Ward

Read a second time the Bill Entituled an Act to Encourage the U. H. J.
Importation of Gold & Silver into this Province, & Ordered to be
thus Endorsed

By the Upper house of Assembly 1st August 1729

Read a second Time & will pass with the following Amendments
Instead of the Preamble in the sd bill the following One be inserted; Whereas the Effects of the Scarcity of Gold and Silver into this Province are very sensibly felt by the Inhabitants thereof, in Order therefore to give a suitable Encouragement to any Person who shall import into this Province any Quantity of Gold or Silver;
& after the Word Person, at the End of the third Line of the third p. 50
side these Words be added, for my Use with Design of bringing it back again for the Allowance of fifteen ꝑ Cent on the Duties arising upon the Commodities by me now imported

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Coll Tilghman

A Bill from the Lower house by Mr Hanson & Mr Matthews Entituled an Act providing what shall be good Evidence to prove foreign & other Debts & to prevent Vexatious & unnecessary Suits at Law &c thus Endorsed

By the Lower house of Assembly 1st August 1729

Read the first & second Time by an Especial Order & will pass

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

Read the first Time in this house & Ordered to lye on the Table

The Question being put whether the Additional supplementary Act to the several Acts for the Administration of Justice be received in this House? Passed in the Negative

The following Message being prepared is sent to the Lower house by Coll Ward

By the Upper house of Assembly 1st August 1729

Gentlemen

We take it to have been the Constant Practice of Parliaments, after Bills have been once read, & Amendments made thereunto, in Either house, that such Bills together with the Amendments, or so many of them as shall have been agreed to by both houses should pass into Acts; it is Matter of Surprize therefore to this house that the Bill for the better Administration of Justice &c with Sundry Amendments & Concessions afterwards made therein, as by our

U. H. J. Messages of July 26th & 30th (in all which Amendments & Concessions you seem to have concurred with us) should be laid asleep as it were in your House, & another Bill sent up with your Message by Mr Beale & Mr George proposing (for the sake of Dispatch) the same Amendments to be made to former Acts of Assembly, which have not in any manner been negotiated in Either of the Two houses during this Session: Which Proceeding of yours, in our Opinion is very unparliamentary; & therefore upon the Question put, We have resolved that the Addl & Supplementary Act, to the sevl Acts p. 51 for the Adminisn of Justice in Testamentary Affairs, be not received by this house, & have therefore herewith returned it to you, lest the pressing on a Conclusion to this present Session, by such unpresidented Practice, might hereafter be of mischievous Consequences in Legislation and seeing that your house, for anything that appears in the sd Message have concurred with us in all the Amendments, & Alterations made to the said bill, We therefore insist that the Bill for the better Administration of Justice, with the Amendments as they now stand, if you have entirely agreed with us thereon may pass your house

Signed ꝑ Order John Ross Cl. Up. Ho.

Read the first Time in this House the bill ascertaining the fees of Attorneys &c. and Ordered to lye on the Table.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Message from the Lower house by Major King and Mr Sprigg

By the Lower house of Assembly 1st August 1729

May it please your honours.

On the 23rd Day of July this house sent to Your Honours a Message acquainting you that We were of Opinion it was necessary to have an Agent in Great Britain to transact the Affairs of this Province & had resolved to appoint One to which We desired your Concurrence & having heard nothing from your Honours concerning the same take Leave to remind you of the said Message (lest it should be forgotten) & to desire you would please to acquaint us with your Resolution therein

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

A Bill from the Lower house by Mr Beal & Mr Worthington Entituled an Act for the Relief of Thomas Worsley Hezekiah Clark

& Benjamin Freeman Prisoners in Ann Arundel County Goal thus Endorsed U. H. J.

By the Lower house of Assembly 1st August 1729

Read the first & Second Time by an Especial Order & will pass.
Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first Time in this house & Ordered to lye on the Table

Read a second time the bill against Engrossers and Regrators & Ordered to be thus Endorsed, p 52

By the Upper house of Assembly 1st August 1729

Read a second Time & will pass with the foll Amendments, The Word, That, after Persons in the 7th Line of the first Side be left out, and in 8th Line of the same side, instead of the Word, of between Possession & any, be inserted the Word from; & in the same Line & Side, the Words for his or their Use, be left out; & in 10th Line of the same Side, between the Words Servants & and, be inserted, or Provisions or Grain of any kind whatsoever, Butchers, or Persons selling meat at the shambles excepted; & in the 15th & 16th Lines of the same Side, the Words, or within the Time afd shall transport out of this Province the sd Goods, Merchandizes, or Servants be left out
Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Benjamin Tasker Esqr

A Bill from the Lower house by Mr Matthews & Mr Scott Entituled an Act for the Relief of Christopher Gardiner a languishing Prisoner in Baltemore County Goal thus Endorsed

By the Lower house of Assembly 1st August 1729

Read the first & second Time by an Especial Order & will pass
Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first Time in this house & Ordered to lye on the Table

A Message from the Lower house by Mr Hanson and Mr Stoughton with the Bill Entituled an Addl & supplementary Act to the sevl Acts for the Administration of Justice in Testamentary Affairs

By the lower house of Assembly 1st August 1729

May it please your Honours

In answer to your Message of this Day by Coll Ward, we take Leave to acquaint your Honours, that whatever notions you may have of the Constant Practise of Parliament, or whether you are right or wrong in your Conjecture concerning it, Your Honours are certainly mistaken in imagining that this House had agreed to

U. H. J. all your Amendments & Concessions to the bill Entituled an Act for the better Administration of Justice in Testamentary affairs, granting Administrations, Recovery of Legacies, securing filial p. 53 Portions, & Distribution of Intestates Estates, and for repealing the several Laws therein mentioned, for the fact is quite otherwise, But as several things were agreed to by your Honours & this house as Amendments, Additions and Alterations necessary to be made to the several Acts in Testamentary Affairs &c We thought it more advantagious to the Country to pass a bill containing what were so agreed to, than to spend the Countrys money & our own time in controverting Points which your Honours had declared you could not or would not concede to, & which We could not depart from (as we conceive) without doing a great deal of Injury to Our Country. And we believe Our Proceedings in that manner, as well as in keeping a Bill began in our own house, to which your Honours proposed several Amendments we could not agree to, to be agreeable to the Practice of Parliament, and Our Duty, and that your Honours could not reasonably suppose that We had agreed to any of your Amendments that the last Bill sent you did not contain: However if Your Honours will still reject a Bill, confessedly beneficial to the People we represent, We shall enjoy the Satisfaction w^ch always accompanys the faithful discharge of Mens Duty, tho hindered of enjoying the fruit of Our Labour, & of the great Expence the Country must be at by the Sitting of this Assembly

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Two Engrossed Bills from the Lower house by M^r Dashiel & M^r Johnson the One Entituled an Act concerning the Parishes in S^t Marys & Charles Counties the Other Entituled an Act for the assessing Ten ꝑ Poll on the Inhabitants of S^t Pauls & S^t Lukes Parishes in Queen Anns County severally thus subscribed

1^st August 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

Read & assented to by this house & Ordered to be so subscribed the Paper Bills so Endorsed are sent to the Lower house by John Hall Esq^r

A Bill from the Lower house by M^r George and M^r Edmundson Entituled an Act to aid the Proceedings of some of the County Courts within this Province thus Endorsed

p. 54 By the Lower house of Assembly 1^st August 1729

Read the first & second time by an Especial Order & will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read the first time in this house & Ordered to lye on the Table U. H. J.

His Excellency the Governor is pleased to Communicate to this House a Letter of his to the Lower house, which being read, the Hoñble Edward Henry Calvert attended by all the members of this House present carries the same to the Lower house, which Letter follows in these Words

Gent^{n} of the Lower house of Assembly

On Perusal of your printed Votes, I was affected with a sensible Pleasure, when I met with your Resolution to offer me, three half pence ꝑ hh^{d} as an Earnest of your Good Will: But your succeeding Votes in Relation thereto, may naturally appear a Ridicule on any Pretensions I have to your Esteem, an Evasion of your seemingly proffered Good Will, and an Affront peculiarly levelled at me, which I shall endeavour to explain to you in the following Manner.

From time almost out of mind, the Good People of this Province have expressed Kindness & Respect to their Governors, by a ready Present to them of Three half pence ꝑ hh^{d} during their Term of Government; which indeed bespoke a most generous Confidence in them, & well became their Pretensions to the Name & free Nature of Englishmen

After such a Continued Regard paid by the Country, to their successive Governors, His Lordship in tender Consideration of the Earnest Application made to him, to promote the Encouragement of the Free Schools, & judging it difficult to get the Penny ꝑ Pound, appropriated to your own Provincial Use therein, by a remarkable Instance of Generosity condescended to apply half of Three pence ꝑ hh^{d} to the schools, which before was used to be settled on the Governor

I am well assured, His Lordship never intended by such a Concession, that the succeeding Governors should appear with less Honour tho with less Profit among you, yet did the Country give p. 55 that to my worthy Predecess^{r} for Three Years, which by his Lordship was never expected to be rendered on Terms of less Honour & Confidence than during the Time of His Government; Such a Return to an Indulgent Proprietary may have been overlooked, but can never be justifyed

Yet such was but a Dawn of an Ensuing Day, wherein Slights & Disregards to His Lordship and His Family, were to appear in the full Gloom of dark Envy & unreasonable Malevolence, the unhappy Produce of some few discontented minds, thereto I have Reason to think myself destined a remarkable Sacrifice. From Three pence ꝑ hh^{d}, in Generous Confidence, given to former Governors, during their Time of Government, and afterwards reduced to three half pence, for the scanty Term of Three Years, Your Re-

U. H. J. solves now reach the Superlative Degree of disregard; Three half pence ℘ hh^{d} for One Years term, to his Lordships Brother, presumptive Heir & Governor, out of a far extended View of His Good Government, is, indeed, an Offer so new, that you yourselves have omitted, or are unable to account for

As therefore, your Reasons for it are not apparent, or attendant on your Votes, I may too easily fear a Construction thereon may be put injurious to my Reputation: For, who will imagine, that I should bear the Marks of a publick Resentment, had I not by Injustice & Oppression, merited the most consummate ill Will of this Province.

I expect therefore from your favourable Justice, what can only make me a suitable Reparation, by puting my Reputation, as Governor, beyond the Reach of such (I hope) unmerited Imputations, that you will reassume that Subject into your just & serious Consideration; & either let me appear in the Honourable Robe of publick Good Will, which I sincerely desire, or make known to me, the Province & the whole World, wherein I deserve Usage, only due to an Oppressor or Enemy of the Good People of Maryland

Benedict Leonard Calvert

Adjourned till to Morrow Morning Eight of the Clock.

August 2 p. 56

Saturday morning 2^{d} August 1729

This house met again according to Adjournment

Present as yesterday

The following Message being prepared is sent to the Lower house by John Hall Esq^{r} Coll Ward & Philip Lee Esq^{r}

By the Upper house of Assembly 2^{d} August 1729

Gentlemen

On Considering your Message of 22^{d} of July last, by Coll Herman & M^{r} Turbutt, relating to the Bill for raising a Duty of Three pence ℘ hh^{d} on Tobacco exported out of this Province, for the Uses therein mentioned, We observe, that you do not offer any Reasons, why you cannot consent to the passing that Bill, with a longer Continuance than for One year only: And as Our preceeding Governors have had the Gratuity from the Country, at least for three years, & generally during the Continuance of their Govern^{t} We think Ourselves obliged to shew the same, if not a greater Respect, to His Excellency, our present Governor, in Regard of his near Relation to Our Proprietary, & his own Merit; & therefore propose to your House the Continuance of that Bill during his Government U. H. J.

Signed ꝑ Order John Ross Cl Up Ho.

Read a second time the Bill Entituled an Act to aid the Proceedings of some of the County Courts within this Province & Ordered to be thus Endorsed

By the Upper house of Assembly 2^{d} August 1729

Read a second time & will pass, the Time for Qualification being given till Novem^{r} Court next

Signed ꝑ Order John Ross Cl Up. Ho.

Sent to the Lower house by Philip Lee Esq^{r}

Read a second Time the Bill Entituled an Act for the Relief of Christopher Gardiner a languishing prisoner in Baltemore County Goal Ordered to be thus Endorsed

By the Upper house of Assembly 2^{d} August 1729

Read a second Time & will pass

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower house by Coll Rider

An Engrossed Bill from the Lower house by Major King & M^{r} p. 57
George Entituled an Act to Encourage the Importation of Gold & Silver into this Province thus subscribed

2^{d} August 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

Read & assented to by this house & Ordered to be so subscribed the Paper bill so Endorsed is sent to the Lower house by John Hall Esq^{r}

Read a second time the Bill Entituled an Act providing what shall be good Evidence to prove foreign & other Debts, to prevent vexatious & unnecessary suits at Law pleading Discounts in Barr & for repealing an Act of Assembly therein mentioned & Ordered to be thus Endorsed

By the Upper house of Assembly 2^{d} August 1729

Read a second Time & will pass

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Coll Tilghman

U. H. J. Read the Petition of M^r^ James Govane High Sheriff of Ann Arundel County praying to be heard by his Council against passing the Bill for the Relief of several Debtors in the Goal of the s^d^ County, whereupon the Council for the said Sheriff being called in were heard, and then withdrew

Read a second time the Bill Entituled an Act for the Relief of Thom^s^ Worsley, Hezekiah Clarke & Benjamin Freeman Prisoners in Ann Arundel County Goal & Ordered to be thus Endorsed

By the Upper house of Assembly 2^d^ August 1729

Read a second time & on reading the within Bill, We are of opinion the security for the payment of the Sheriffs fees, is not sufficient, We therefore propose he be fully satisfyed & paid the same, with which Amendments this Bill will pass

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Coll Ward.

Read the Petition of sev^l^ Practitioners in the Law praying to be heard against the passing the Bill ascertaining the fees of the Practitioners in the Law, who being called in were heard to the same & then withdrew

Adjourned till two of the Clock in the Afternoon

p. 58 Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the morning

Read a second time the Bill Entituled an Act to ascertain the fees of Attorneys & other Persons practising the Law & to prevent Extortion frauds and Abuses therein & ordered to be thus Endorsed

By the Upper house of Assembly 2^d^ August 1729

Read a second time & will not pass

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Benjamin Tasker Esq^r^

Read the bill prepared in this house Entituled an Act reviving & Continuing an Act Entituled an Act to restrain the ill Practises of Attorneys & to prevent their taking Money fees, & ascertaining what fees shall be allowed to the Practitioners of the Law who shall attend the Circuit Courts &c Ordered to be thus Endorsed.

By the Upper House of Assembly 2^d^ August 1729

Read the first & second Time by an Especial Order & will pass

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Coll Rider

The following Message being prepared is sent to the Lower house by John Hall Esq^r

By the Upper house of Assembly 2^d August 1729

Gentlemen

In Answer to your Message of 23^d of July last and the first Instant We are of Opinion that there is not at this Time any Necessity to employ an Agent to negotiate the Affairs of this Province, & therefore as the Appointment of an Agent will bring a Certain Charge upon the Province We are not inclinable to concurr with your House therein, until We are made sensible that the publick Occasions require it

Signed ꝑ Order John Ross Cl Up Ho.

Adjourned till Monday Morning Eight of the Clock

Monday Morning 4^th August 1729 August 4 p. 59

This house met again according to adjournment

Present as on Saturday except Philip Lee Esq^r

A Bill from the Lower house by M^r Beale & five others Entituled a Supplementary Act to the Act Entituled an Act for improving the Staple of Tobacco thus Endorsed

By the Lower house of Assembly 2^d August 1729

Read the first & second time by an Especial Order & will pass.

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

the following Message was also brought by the Gents above mentioned

By the Lower house of Assembly 2^d August 1729

May it please Your Honours.

In answer to your Message by Coll Tilghman & Philip Lee Esq^r of the thirtieth of July, concerning your rejecting the Bill for improving the Staple of Tobacco & easing the Inhabitants of this Province in the manner of paying their Tobacco Debts. We agree with your Honours, that many People are lyable by the Act passed last Session to discount a fourth of their Tobacco debts, if paid in Specie, that that Provision was made upon a Supposition the Quantity of Tobacco would be greatly lessened by puting that Act in Execution, but it has failed of the desired Effect in most parts of the Province, which induced us to pass the bill rejected by your Honours, as more

U. H. J. likely than the former Act to lessen the quantity of Tobacco, as much as was hoped it would have done, that Reduction would not indicate our being dishonourable unjust or ingrateful to his Lordship, since nothing was taken from him, that his Lordship was entitled to by any former Law, nor anything more done but passing a Bill to pay his Lordship a Duty on Tobacco instead of his Rents & Alienations for One Year, which if passed into a Law, is a voluntary Contract, the Terms whereof are understood on both Sides, & the Contracting Partys have it in their Power to agree or disagree to it; thus the Case stands, & how it or any other Case so circumstanced, will warrant a Charge of Injustice or Ingratitude against any of the Contracting Partys, We recommend it to your Honours seriously to consider

p. 60 Since the Provision made by the former Act would not answer the End of making it, We thought it absolutely necessary (in Regard making too great Quantitys of Tobacco, is universally allowed to be One & a very great Cause of the Calamitys the People of Maryland labour under) to supply (at least) in part the Defects therein; And We think it very probable that the Reduction proposed to six thousand plants & the other Restrictions contained in the Bill for that purpose, would be of Service to the Country, by greatly lessening the Quantity of Tobacco; And if Tobacco Debts were not subject to a Defalcation in Proportion to the Reduction in the Crops Your Honours cannot but know, that several, even a very great number of the Inhabitants would have very little Tobacco left, wherewith to procure themselves necessarys, & consequently the Amendment of the Trade would rather encrease than lessen their Miserys. As to obliging some People to take money for Part of their Tobacco Debts, it is but the same Provision that was made last Session, which Your Honours, then agreed to, and the Reason (we conceive) still subsists. How it is possible to avoid some Inequality in the proposed Deduction, We know not, the making of Laws that may be beneficial to Our Country in General (tho disadvantageous to some particular Persons) being the highest Perfection We can hope to arrive at.

We are extremely surprized & indeed alarmed at the Reasons Your Honours alledge, as more particularly inducing you to reject the new Tobacco Bill Viz. that is a Bill of the same Nature (some few Circumstances excepted) with the former, against the Sanction to which in Great Britain publick Oppositions it is well known, are made. That any Opposition is made against the Sanction to it, We never knew or heard of, nor can we conceive the End or Purpose of such Opposition; for We beg Leave to acquaint Your Honours that an ample & full Power of Legislation is lodged in this Province, & that a Law enacted in the usual & customary form here by the legislative Authority has all the force & Effect of a Law, without any further or other Sanction whatsoever. It is true the Lord Proprietary has dissented to sev^l^ of our Laws, but whether his Lordship has any Authority so to do or not We hope will soon be examined & determined in a proper Place: But to put his Lordship's Right of assenting or dissenting to Laws passed here; upon an Equality with the undoubted Right of his sacred Majesty (which your Honours do in your Message, if We understand it right) is (We humbly conceive) so inconsistent with the Duty of Subjects to the best of Princes, that We want Words to express Our Detestation of it U. H. J. p. 61

What fate the late Tobacco Law may have, We know not, but We are certain the attempting to make a new Law of the same Nature with it, with such Amendm^ts^ as may render it more effectual, is neither new nor lyable to any criminal Imputation whatsoever, much less of an evasive Infringement of the Prerogative, or of tending to preclude the Province of a Dernier Resort, which (if meant to our gracious King) We account Our greatest felicity & Security. His sacred Majestys Royal Prerogative is as dear to us, as Our Lives, & we are far from wishing the least Diminution of any Right or Prerogative which the Lord Proprietary is justly entitled to by Virtue of the Royal Charter: But We beg Leave to distinguish it from his Majestys. To conclude We do assure your honours, that we do not conceive any of, or all the Reasons together which are contained in your Message, are weighty enough to convince Us of your being under any Necessity of rejecting a Bill, Which we are firmly perswaded (as We doubt not your Honours are) would be very advantageous to the People of Maryland

However that nothing We can possibly do for the Interest of Our Constituents may be wanting, We have sent a supplementary Bill, which We hope will be agreeable to your Honours

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

Read the first time in this house the supplementary Tobacco bill & Ordered to lye on the Table

The Bill Entituled an Act reviving & Continuing an Act to restrain the ill Practices of Attorneys &c brought from the Lower house by M^r^ Holyday & M^r^ George thus Endorsed

By the Lower House of Assembly 2^d^ August 1729 p. 62

Read the first Time & Ordered to lye on the Table.

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

By the Lower house of Assembly 4^th^ August 1729

Read the second Time and will pass.

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

U. H. J. Which Bill being again read in this house is passed for ingrossing & Ordered to be so Endorsed

Two Engrossed Bills from the lower house by M^r^ Sam^l^ Hanson & M^r^ Magruder, One Entituled An Act against Engrossers & Regrators, the other An Act for the Relief of Christopher Gardiner a languishing Prisoner in Ann Arundel County Goal severally thus subscribed

4th August 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

Read & assented to by this house & Ordered to be severally so subscribed the Paper Bills so Endorsed are sent to the Lower house by Coll Ward.

A Message from the Lower house by Mr Worthington & Mr Thompson with the Bill for the Relief of Thomas Worsley & Others.

By the Lower house of Assembly 4th August 1729

May it please your Honours

This house hath considered the Amendments proposed by your honours to the bill for the Relief of Thomas Worsley &c viz. that the Sheriff be fully satisfyed & paid his fees, & is of Opinion that it is not in the Power of the Prisoners to pay the fees, so that unless they are discharged without, They must lye in Goal & perish, which We hope your Honours will not insist on, since you have thought fit to pass a Bill this Session for the Relief of Xpher Gardiner without such Condition as above & that the Prisoners in Ann Arundel County Goal are Objects of Charity as well as he

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

A Bill from the Lower house by Coll Ennals & Mr Sprigg Entituled an Act to prevent the rigorous Prosecution on Sheriffs Testamentary & Deputy Commissarys bonds thus Endorsed

p. 63 By the Lower house of Assembly 1st August 1729

Read the first Time & Ordered to lye on the Table

Signed ꝑ Order M. Macnemara Cl Lo. Ho.

By the Lower house of Assembly 4th August 1729

Read a second Time & will pass.

Signed ꝑ Order M. Macnemara Cl Lo. Ho.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem U. H. J.

This house met again according to adjournment

Present as in the morning

His Excellency the Governor is pleased to communicate to this house the Address of the Lower house presented to him on Saturday last in the Conference Chamber by M^r Speaker attended by the whole house, which Address is in the following Words

To the Honourable Benedict Leonard Calvert Governor
of the Province of Maryland

The humble Address of the house of Delegates

May it please Your Honour

Your Honours Message to this house on the first Instant hath obliged us to take into Consideration the matters contained therein, & to give Your Honour in this manner the sense we have had, in Relation to our Conduct, which, you are pleased to mention, appears in Our Votes

As We were; & still are very well satisfyed, & shall always assert that the levying money in this Province in all Cases is the undoubted Right of the People; We thought it improper to have continued the benevolence of the People for the same term as it formerly was, when Circumstances concerning that matter were different at different times, for the Bill mentioned in your Honours Message generally attended the Bill for ascertaining the Gauge & Tare of Tobacco hogsheads &c And as that Bill passed this house only for One year We accordingly proposed the other Bill for the same Term

But since Your Honour appears to be alarmed, as if the Bill for p. 64 three pence ꝑ hogshead continuing only for One Year might be intended as an Affront peculiarly levelled at your Honour, And that the publick good Will of this Province towards your Honour may be made known to yourself, the Province and the whole World; We beg Leave to assure your Honour that such Proceeding was not intended as a mark of publick Resentment, or injurious to your Reputation, and for that Reason We have been willing to give a Demonstration of such our Intention, by a Resolution of this house to Continue the s^d Act of Three pence ꝑ hh^d for three years

Having this Opportunity We cannot in Justice to those we represent, forbear the mention of what the People of this Province have conceived a hardship & Difficulty, And which is, the necessity of paying at & after the Rate of Ten shillings Sterling ꝑ hundred in Cash for all fees in Tobacco due to the Chancellor of this Province especially since no Regulation hath been made different from the fees settled & allowed to the Chancellor in the Year One thousand seven hundred & four

U. H. J. This Representation We with more than ordinary Cheerfulness make from a firm Belief, that your Honour will not only in this but in every other matter, wherein any kindness can be shew'd by your Honour to the Inhabitants of this Province, give such Directions as may be the most proper for the Ease & Satisfaction of them.

Signed by Order of the house ꝑ Jn° Mackall Speaker
2d August 1729

To the foregoing Address his Excellency pleased to return the follg Answer

Gentlemen of the Lower house

It is a great Satisfaction to me, to find by your Address that the Votes of your house therein referred to, were not intended as any particular Disregard to me. I thank you for the tender you make of your benevolence for the term of three years, which is indeed the least I could accept of with Honour. I am a Stranger to the present Impropriety you mention, of dispensing the Benevolence of the People, for the more generous & honble Term of during Government; I know not wherein the Circumstances of the present differ from those of former Times, as to that matter, unless it be that I appear less concerned for the publick Good than heretofore Governors have been, or that you are a little lukewarm in Respect of your p. 65 Predecessors, in the Points of Confidence and Generosity Leaving the latter to be by you supplyed, if you can be conscious therein, I shall proceed to remove the least appearing Difference on my Part, & readily answer your Wishes, by ordering the Chancellors fees to be taken in Tobacco, as you seem to desire: And be assured that I agreeably indulge my own Inclination, when I can shew any kindness to the Inhabitants of Maryland

Benedict Leonard Calvert

Which is Carried to the Lower house by the Honourable Edward Henry Calvert attended by all the Members of this House present.

An Engrossed Bill from the Lower house by Mr Harris & three others Entituled an Act for raising a Duty of three pence ꝑ hhd on all Tobacco exported out of this Province for the uses therein mentioned; thus subscribed

4th August 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

Read & assented to by this house & ordered to be so subscribed, the Paper bill so Endorsed is sent to the Lower house by Coll Ward.

The following Message being prepared is sent to the Lower house by Philemon Lloyd Esq^r U. H. J.

By the Upper house of Assembly 4th August 1729

Gentlemen.

In Answer to your Message of this Day by M^r Worthington & M^r Thompson relating to the Bill for the Relief of Thomas Worsley & others; We are still of Opinion that the Sheriff ought to be paid the fees due to him for their Imprisonment, before the Prisoners are released, for it is an insupportable Loss to the Sheriffs, and especially to the Sheriff of Ann Arundel County, who has Prisoners in Custody from all Parts of the Country, & is obliged to maintain them at a much greater Charge in this publick Place, than any other Sheriffs in this Province are, to have them discharged without any Satisfaction for the Extraordinary Expence, he is at in maintaining them

As to what you say in Relation to our passing the Bill for the Relief of Christopher Gardiner, We answer, that he is thereby obliged to make a Resignation of his whole Estate, & the Sheriff will have his Proportion with the Creditors, but the Prisoners in this Bill are released upon other Terms & may perhaps at the End of Seven years be less able to pay the Sheriff his fees, than they now are, besides We are informed that One of them has found means to pay his Creditor & We think it reasonable the Sheriff be likewise paid, or at least have a proportionable part of what is raised p. 66 for the payment of the Creditor. We farther observe that in Gardiners Case there is no Opposition made to the passing of that Bill, & We are informed that the Sheriff is consenting to it, but the Sheriff of Ann Arundel County has petitioned against the passing the Bill now before us: And hope you will make some Provision in the Bill that the Imprisonment fees may be paid or secured before the Prisoners are released; without which Amendments the Bill will not pass

Signed ℘ Order John Ross Cl. Up. Ho.

An Engrossed Bill from the Lower house by M^r George & M^r Edmonson Entituled an Act to aid the Proceedings of some of the County Courts of this Province thus subscribed

4th August 1729

Read & assented to by the Lower house of Assembly

Signed ℘ Order M: Macnemara Cl. Lo. Ho.

Read & assented to by this house & ordered to be so subscribed, the Paper bill so Endorsed is sent to the Lower house by Coll Ward.

U. H. J. Read a second time the bill for emitting twenty four thousand pounds paper Currency &c & Ordered to be thus Endorsed

By the Upper House of Assembly 4th August 1729

Read a second Time & will pass with the Amendmts proposed in a Schedule herewith sent

Signed ꝑ Order John Ross Cl. Up. Ho.

By the Upper house of Assembly 4th August 1729

Amendments proposed to be made to the Bill Entituled an Act to make & emit twenty four thousand pounds Current money of Maryland in Bills of Credit & for easing the Inhabitants of this Province in the Payment of Debts & to raise a fund to sink the sd Bills of Credit, with which the sd Bill will pass.

This Act not to take Place until his Ldps. Pleasure be known therein

The Word, *Brandy,* to be left out in all Places of the Bill

Page 7th Line 14th	The Commrs to have a discretionary Power how much to allow for receiving & prizing Tobo six ꝑ Cent being thought not Sufficient.
L. 6 Page 13. L. 8	The thirty pounds to the Commrs to be made forty The five ꝑ Cent to the Naval Officer to be made Eight ꝑ Cent
p. 67 Page 13th L. 10	The forty pounds ꝑ Annum to the Clerk to be made fifty & the Clerk to give Security in such sums as the Commrs shall think fit
Page 16th	The whole Clause for the discharging all publick & County Levies, forty ꝑ Poll &c with the Proviso thereon to be left out
P. 16. L. 11	The whole Clause obliging & requiring Persons to accept of Paper bills of Credit in Lieu of Sterling or Current money to be left out
P. 8. L. 8	All Tobacco ship'd pursuant to the directions of this Act to be consigned to such Merchants in London as the Commrs from time to time shall think fit
P. 18. L 5.	Next after the Words Rates &c. Duties due & payable, put, or shall hereafter be due, or payable
L. 7	The whole sentence begining at, And during the Continuance of any Action on any Bond &c. to, to discharge the Defendant to be wholly left out

And that a Clause be added empowering the Comm^{rs} to deliver new bills of Credit to such Persons as shall bring torn, or otherwise defaced Bills to be vacated, & other Bills struck in Lieu thereof U. H. J.

P. 2. L. 2. There being a Deficiency of Three hundred & ninety pounds to compleat the sum of Twenty four thousand pounds, it is proposed that Sum be emitted in Six penny Bills

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house by Coll Tilghman

Read the first Time in this house the Bill Entituled an Add^{l} & supplementary Act to the sev^{l} Acts for the Administration of Justice in Testamentary Affairs, & Ordered to lye on the Table

Adjourned till to Morrow Morning Eight of the Clock

Tuesday morning 5th August 1729 August 5

This house met again according to Adjournment

Present as yesterday

Read the first Time in this house the Bill Entituled an Act to prevent the rigorous Prosecution on Sheriffs, Testamentary & Deputy Commissary bonds & ordered to lye on the Table

A Message from the Lower house by Major Hanson & M^{r} Gordon

By the Lower house of Assembly 5th August 1729

May it please your Honours.

In answer to your Message of 25th of July last by John Rousby Esq^{r} We propose the Dimension of the Repositorys therein mentioned be sixteen feet in Length, twelve feet wide in the Clear, eight feet pitch, to be built with Brick arched over & covered with Tile or Slate to have two Windows on each side & Shutters & Iron Barrs & in the Inside of the house Boxes for the Books to be put in and a Table, & erected within the Stadt house Circle with which We desire your Honours to concur p. 68

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

An Engrossed bill from the lower house by M^{r} King & M^{r} Chamberlin Entituled an Act providing what shall be good Evidence to prove foreign & other debts & to prevent vexatious & unnecessary

U. H. J. Suits at Law pleading Discounts in Barr & for repealing an Act of Assembly therein mentioned thus subscribed

5th August 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read & assented to by this house & ordered to be so subscribed, the paper Bill so Endorsed is sent to the lower house by Coll Ward.

The Engrossed bill Entituled an Act reviving & Continuing an Act Entituled an Act to restrain the ill Practices of Attorneys & to prevent their taking money fees &c being read is ordered to be thus subscribed

5th August 1729

Read & assented to by the Upper house of Assembly

Signed ꝑ Order John Ross Cl Up Ho.

The Paper bill so Endorsed together with the Engrossed bill is returned to this house by Coll Gale & Mr Key thus Endorsed

By the lower house of Assembly 5th August 1729

The Engrossed bill whereof this is the Original is read & assented to

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

This House doth appoint Coll Tilghman One of the Conferees to draw up an Address to his Excellency the Govr in the Room of Philip Lee Esqr being absent

The following Message being prepared is sent to the lower house by Benjamin Tasker Esqr

By the Upper House of Assembly 5th August 1729

Gentlemen.

p. 69 This house concurs with you in your Message of this Day by Major Hanson & Mr Gordon in Relation to a Repository for the Old Records

Signed ꝑ Order John Ross Cl Up Ho.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read a second time the Bill Entituled an Addl & Supplementary Act to the several Acts for the Administration of Justice in Testamentary Affairs & Ordered to be thus Endorsed

By the Upper house of Assembly 5th August 1729 U. H. J.

Read a second Time & will pass with the following Amendment; that in the 2d Line of 6th Page the Words after, Commissary Genl to the End of the fourth Line be left out

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the lower house with the following Message by Coll Rider

By the Upper house of Assembly 5th August 1729

Gentlemen

In Answer to your Message of August the first by Mr Hanson & Mr Stoughton We think ourselves obliged, by a Resentment becoming the Candour of this house, to signify our Detestation of all such Practices as have any Tendency towards obstructing that perfect harmony & good Correspondency which ought always to subsist, and be reciprocally cultivated between the two houses, in order to the better dispatch of publick Affairs: Wherefore, We take this Occasion of telling you, that We think Ourselves very ill used, in your Message by an airy & drolling Way of expressing a great deal of Indifferency, whether this house be in the Right or the Wrong; even tho in Matters of the lightest Consequence, in Relation to the Order & ancient Custom of Proceedings in Legislation, which We think to be injurious to Ourselves, and a Neglect of Our happy Constitution

As to the rest of your Message, We can very truly assert, that We were not mistaken, neither, as you affirm, can the facts be quite otherwise than we apprehend them to be; for if your house intended the Amendments said to be agreed upon, to relate to anything at p. 70 all, they must strictly relate to the bill for the better Administration of Justice &c sent down to your house with the Amendmts & to no other, or former Acts, relating to Testamentary Affairs; but whether you concurred with us, or no, in the Concessions made in our Message by Jno Hall & Benjamin Tasker Esqrs appeared then to be uncertain, your house having been silent thereon: And inasmuch as none of the other Amendments, in the nature of them, can have possible Analogy or adequate Reason to any of the former Testamentary Acts, We had Reason to apprehend the Amendments said to be agreed to (in the Manner whereof you were best acquainted) by both houses, had had Relation to the Bill began this Session.

However, if your house had thought fit to have acquainted Us, by your former Message, that you could not concur in the rest of the Amendments, or that the Bill would not pass your house, there would not have been any Occasion then of multiplying Messages, nor

U. H. J. of controverting Points, to the great delay of Business & a vast Expence to the Country

But as soon as ever this house understood by your Message of the first of August, that you had not agreed to our Amendments, & in Consequence thereof, that the Bill would not pass; this house took the Additional and Supplementary Bill into serious Consideration: And as it is a Bill, which may be beneficial to the People of this Province, this house in Relation thereunto, & to any other bill, which tends to promote the publick good, will, at all times, be ready to do their parts, without obstructing any Man in the Enjoyment of the fruits of his Labour

Signed ꝑ Order John Ross Cl. Up Ho.

An Engrossed bill from the lower house by Mr Beal & Mr Warfield Entituled an Act for the Relief of Thomas Worsley Hezekiah Clarke & Benjamin Freeman Prisoners in Ann Arundel County Goal thus subscribed

5th August 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

p. 71 Read & assented to by this house & Ordered to be so subscribed, the Paper bill so Endorsed is sent to the lower house by Philemon Lloyd Esqr

The following Message being prepared is sent to the lower house by John Hall Esqr

By the Upper house of Assembly 5th Augt 1729

Gentlemen.

We think proper to remind you of Our Message of 29th of July sent by Coll Tilghman in relation to the Act Entituled an Act to prevent the Abuses of concealing Convicted felons & other Offenders imported into this Province, & for the better Discovery of them, for as much as that Act will in a short Time be in force

Signed ꝑ Order John Ross Cl. Lo. Ho.

A Message from the Lower house by Mr Smith & Eleven more

By the Lower house of Assembly 5th August 1729

May it please your Honours

This house having taken into Consideration that the Right Honble the Lord Proprietary hath frequently dissented to Laws pass'd in this Province by the Legislature thereof, which We conceive to be an Aggrievance to his Majesty's Subjects therein & not warranted by the Charter, and as it is an Affair of the greatest Importance to the

People to be at a Certainty about their Laws: Wee desire your Honours to join with this house in applying to his Lordship, or in taking such other Steps as may be necessary to settle a matter of so great Consequence U. H. J.

Signed ℘ Order M: Macnemara Cl. Lo. Ho.

Philemon Lloyd Esq^r from the Committee of both houses appointed to draw up an Address to his Excellency the Gov^r presents the same to this House which being read & approved of, is, as follows

To His Excellency Benedict Leonard Calvert Gov^r of the Province of Maryland

The humble Address of the Upper & Lower houses of Assembly

May it please your Excellency

The Necessity of advancing the Market for Our Staple of Tobacco, by any method we can propose to Ourselves for that End, hath obliged us to have Recourse to your Excellencys kindness & readiness to contribute towards the Welfare of this Province, for your good Offices in an Affair which so nearly concerns the Prosperity of it p. 72

The Accounts & Inclinations from Virginia, of a disposition in that Colony to concur with this Province in any Measures which may be thought conducive to the Advantage of a trade, so much alike in most Circumstances to both Countrys; have suggested to us a mutual & friendly Correspondence between that Colony & this Province, as the most probable Way to arrive at what We so much desire

And these houses cannot, in Order to beget a necessary Confidence between both Countrys, propose any Expedient so likely to succeed, as to entreat your Excellency to interest yourself in this Affair, & settle a mutual Intercourse & Correspondence between the Colony of Virginia & this Province in such manner & by such Persons as shall be judged by your Excellency, most proper for the Transaction of an Affair of such extraordinary Consequence, as is, the General Trade & Welfare of both Countrys

Subscribed by all the Members of both houses

Read a second Time the Bill Entituled an Act to prevent the rigorous Prosecution on Sheriffs Testamentary & Deputy Commissary's bonds, and Ordered to be thus Endorsed

By the Upper house of Assembly 5^th August 1729

Read a Second Time & will pass with the following Amendments viz. the Words, *to give Judgment,* in 5^th Line of 2^d Side to be left

U. H. J. out, & the Words, *and where Judgments,* interlined in 4th Line of 3d Side be left out

Signed ℘ Order John Ross Cl Up Ho.

Sent to the lower house by Philemon Lloyd Esqr

The Question being put whether there should be an Order of this house for the puting in Suit Mr Ungle's bond: Carryed in the Affirmative

Which Order is in the following Words

By the Upper house of Assembly 5th August 1729

Ordered that Mr Ungle's bond given for due performance of the trust reposed in him as Treasurer of the Eastern shoar be put in Suit, to Satisfy the money received by him for the publick Impositions

Adjourned till to Morrow Morning Eight of the Clock.

August 6
p. 73

Wednesday Morning 6th August 1729

This House met again according to Adjournment

Present as yesterday

An Engrossed Bill from the lower house by Mr Dashiel & Mr Knight Entituled an Act to prevent the rigorous Prosecution on Sheriffs, Testamentary and Deputy Commissarys bonds, thus subscribed

6th August 1729

Read & assented to by the Lower house of Assembly

Signed ℘ Order M: Macnemara Cl. Lo. Ho.

Read & assented to by this house & ordered to be so subscribed, the Paper bill so Endorsed is sent to the Lower house by Benjamin Tasker Esqr

A Message from the lower house by Coll Gale & Mr Beale

By the Lower house of Assembly 5th August 1729

May it please your honours

This house approves of the Address prepared by the Committee of both houses to the Governor in Relation to the settling a Correspondence with Virginia.

Signed ℘ Order M: Macnemara Cl. Lo. Ho.

The Journal of the Committee of Accounts from the lower house by John Beal & four more thus subscribed

6th August 1729 U. H. J.

Read & assented to by the lower house of Assembly

Signed ℘ Order M: Macnemara Cl. Lo. Ho.

The following Message was also brought by the aforenamed Gentlemen

By the Lower house of Assembly 6th August 1729

May it please Your Honours

This house hath agreed to make the Allowances due to the several Membrs of the Assembly & others from Saturday last in Cash & desireth your Honrs Concurrence

Signed ℘ Order M: Macnemara Cl. Lo. Ho.

The following Message being prepared is sent to the Lower house by Coll. Tilghman

By the Upper house of Assembly 6th August 1729

Gentlemen

In Answer to your Message of this Day by Coll Gale & Mr Beale this house doth approve of the Address prepared by the Committee of both houses to his Excellency the Governor in Relation to the settling a Correspondence with Virginia & desire you will get the same Engrossed upon large Paper in Order to its being signed & presented to him p. 74

Signed ℘ Order John Ross Cl. Up. Ho.

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem.

This House met again according to Adjournment

Present as in the Morning

Read a second time the Bill Entituled a supplementary Act to the Act Entituled an Act for improving the Staple of Tobacco, Ordered to be thus Endorsed

By the Upper house of Assembly 6th August 1729

Read a second Time & will pass with the following Amendments, P 1 L. 16 the Word, Male, be left out, & in 23d Line of the same Page between the Words, Use, and nor, Insert, nor to restrain any Servants or Slaves who are tradesmen from doing any such Work for the particular Use of their Masters or Mistresses on their own Plantation or Plantations; & in the 21st Line of 3d Page the Words,

U. H. J. and other Officers, after the word Lawyers, be left out, & in 24th Line of 4th Page between the Words Counter, and, any, the Words following be inserted, such Person paying the whole Cost accruing upon such Prosecution

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower house by Benjamin Tasker Esqr with the following Message

By the Upper house of Assembly 6th August 1729

Gentlemen

We have read & Considered your Message of the 2d Instant by Mr Beale & five others in Answer to Ours of the 30th of July last, & are sorry to find our Reasons therein given for not passing the bill sent up by your house for improving the staple of Tobacco, & for easing the Inhabitants of this Province in the Payment of Tobacco Debts have not given you Satisfaction; but we are much more Concerned and surprized at your alledging that you never heard any Attempts have been made to procure his Lordships Dissent to the former Tobacco Law when it has been so publickly talked of & notoriously known p. 75 throughout this whole Province that the Clergy have had some meetings upon that Occasion, & as 'tis generally thought some of them are gone over to Great Britain, on purpose to procure a Dissent to that Law, Our surprize is still augmented when you say you cannot conceive to what End such Application should be made, whereas it is known to all Persons who have any Experience in Publick Affairs that such Applications have heretofore proved fatal to our Laws by inducing his Lordship to dissent to them, for altho it be true as you assert that we have a legislative Power within this Province, and that Our Laws when Enacted here have the force of Laws, yet we have repeated Instances that when the Royal Prerogative or that Part of it which his Lordship is invested with by the Royal Charter has been exercised in dissenting to Our Laws, they have been no longer esteemed as such, nor are ever put in Execution to those Ends & Purposes for which they were designed; you confess that his Lordship has dissented to several of Our Laws, & tell us that you hope it will soon be determined whether he has Authority so to do, or not, to which We answer that whenever it shall be determined by a proper Authority that his Lordship has not that dissenting Power, we shall readily submit to such Determination, but till then We think Ourselves obliged to be conformable to Our legislative Constitution in such manner as it has been derived to us from our Ancestors

We are very much alarmed & think ourselves injured by forced Constructions put upon Our Message, as if We intended anything therein in Derogation of His Majestys Sovereign Prerogative; such an Intention We disown, of which we have as zealous & dutiful a Detestation as your house can have, & therefore We desire You'l avoid all Insinuations for the future of calling our Loyalty in Question, which We doubt not will always appear equal to your own U. H. J.

We think you have no Reason to doubt what We mean by dernier Resort since it cannot in this Case be properly applyed to any but his most sacred Majesty; to whose Sovereign Prerogative, as inherent in his Royal Person, or such Prerogatives as are delegated to Our Proprietary, when executed by him as a Substitute we shall always pay an awful Regard; & endeavour so to behave ourselves in all the Acts of Legislation as not to forfeit that inestimable Privilege, for which Reason We are unwilling to make repeated Acts to the same Purpose so soon the One after the Other lest we should justly be suspected of endeavouring thereby to avoid the Effect of a Dissent to Our Laws & so by abusing Our Legislative Power draw upon Ourselves such Restraints as may in a great Measure deprive Us of it

To Conclude We are & always shall be ready to do anything that reasonably We can for the Benefit & Advantage of Our Country, & as an Instance of that good Disposition proposed to your house in our former Message the preparing a Supplementary bill to supply the Defects in the former Tobacco Law, & therein you have been pleased to concur with Us by sending up to Our house such a Bill which We have maturely considered & returned to your house with the proper Endorsement p. 76

Signed ꝑ Order John Ross Cl Up Ho.

This House does appoint Benjamin Tasker Esqr to join two Members of the Lower house to wait upon his Excellency the Governor to know when & where he will be pleased to receive the Address of both houses, who returns & says; his Excellency is pleased to receive it in the Conference Chamber in half an hour

An Engrossed Bill from the lower house by Mr Key & Coll Ennals Entituled an Addl & supplementary Act to the several Acts for the Administration of Justice in Testamentary Affairs thus Subscribed

By the Lower house of Assembly 6th August 1729

Read & assented to

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read & assented to by this house & ordered to be so subscribed, the Paper bill so Endorsed is sent to the lower house by John Hall Esqr

U. H. J. A Message from the Lower house by Mr Gordon & Mr Jenings

By the Lower house of Assembly 6th August 1729

May it please your Honours

This house hath appointed Mr Dulany, Mr Samuel Hanson, Mr Jenings, Mr Gale, Mr Crabb & Mr Hollyday to join with any Members your house will be pleased to appoint to present the joint Address of both Houses to the Governor, who is pleased to be ready in the Conference Chamber in half an hour's time to receive the same

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

Whereunto the following Answer being prepared is sent to the Lower house by Coll Ward

By the Upper house of Assembly 6th August 1729

Gentlemen

In Answer to your Message by Capt. Gordon & Mr Jenings We are of Opinion that it will be more convenient for all the Members of both houses to join in presenting the Address to the Governor, by which it will appear to be done by the Consent of the whole Country, and thereby gain greater Credit to what shall be proposed relating p. 77 to that Affair to our Neighbouring Colony Virginia, with which if you concur We are ready to present it in the Conference Chamber

Signed ꝑ Order John Ross Cl Up Ho.

Mr Speaker attended by all the Members of the Lower house comes Up to this house, whereupon the honourable Edward Henry Calvert Esqr attended by all the Members of both houses presents to his Excellency the Governor in the Conference Chamber the joint Address of both houses of the 5th Instant

The following Message being prepared is sent to the lower house by Coll Rider

By the Upper house of Assembly 6th August 1729

Gentlemen

We take the Occasion once more of Enforcing the Consideration of our former Messages relating to the Act for preventing the Abuses of concealing convicted felons & other Offenders imported into this Province, the Reasons of our first Message appearing every Day more & more obvious

Signed ꝑ Order John Ross Cl Up Ho.

Adjourned till to morrow Morning Eight of the Clock

Thursday Morning 7th August 1729 U. H. J August 7

This house met again according to Adjournment

Present as yesterday except Benjamin Tasker Esqr

A Message from the lower house by Mr Holyday & Mr Johnson

By the Lower house of Assembly 7th August 1729

May it please your honours

This House hath observed that in your Message, of 6th of August by Benjamin Tasker Esqr your Honours express a Surprize at our alledging that We had not heard any Attempts were made to procure his Lordships Dissent to the late Tobacco Law; when the fact is notorious; it would have been matter of surprize indeed, if We had alledged any such thing, but we are certain that if your Honours will please to peruse our Message again, you will find no such Allegation in it

This house agrees to all the Amendments proposed by your Honours to the supplementary Bill &c. except that of leaving out, and other Officers, which We conceive ought not to be for even the last Regulation of fees in the year 1725 (in your Honours Judgment then, & in the Opinion of this house still) contains ample & full Rewards to the sevl Officers, for the services to be done by them; And We cannot think that any Reason can be assigned, why their fees, as p. 78 well as other Tobacco debts should not be subject to a deduction, when the People who make the Tobacco to pay them, are under a legal Restraint, which will disable almost all the poorer sort, who shall have the misfortune to be concerned in Law suits (which your Honours know frequently happens) from paying all the Officers fees, & supporting their families: besides as the Bill is calculated for the General Advantage of the Country, And that the Officers will certainly participate of that Advantage, We conceive it to be but agreeable to natural Justice, that they should bear a proportionable Share of the burthen: If it should be alledged, that it is but contingent, whether any Advantage will accrue to the Country from the Law itself, and that the Officer by making a Deduction of his fees will sustain a Certain Loss, upon so uncertain a Prospect as is the Effect the proposed Reduction may have on the Trade, & that if the People should be disappointed in their hopes, the Officer will have no Reparation for his Loss, We beg Leave to answer that the Planter (if the Bill passes into a Law) will certainly be hindered of making so much Tobacco as he would make, was he at Liberty, with a View to raise the Value of what shall be made, that the Officer has an equal Chance as to the Event with the Planter, & therefore his Loss ought to be certain

And should the People have the misfortune of being disappointed, & that Tobacco should continue to be sold at the very low Rates it

U. H. J. now bears (w^ch^ are such, your Honours know very well, that People can hardly maintain themselves with the greatest Industry they can use) We entreat your Honours to Consider the wretched Condition they will be reduced to, who shall be obliged to pay a large share of what they make to the Officers & for other Dues, and how it will be possible for them to save their families from starving, with what the small remains of their Crops will produce

Should the Officers be exempt from a deduction of their fees proportionable to what other People are subject to, it would (We conceive) be a manifest Partiality in their favour, which We hope the Legislature of Maryland will avoid the Imputation of

We request your Honours to consider the Reasons herein & such other as your own Judgments may suggest to you, & that you will not insist on an Alteration, lyable to so many Exceptions & so unjust & unequal in itself, but pass the Bill without it p. 79

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

A Bill from the Lower house by Coll Gale and M^r^ Key Entituled a supplementary Act to the Act Entituled an Act to prevent the Abuses of concealing convicted felons & other Offenders imported into this Province & for the better Discovery of them thus Endorsed

By the Lower house of Assembly 7^th^ August 1729

Read the first & second time by an Especial Order & will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Which being read in this house is ordered to be thus Endorsed

By the Upper house of Assembly 7^th^ August 1729

Read the first & second time by an Especial Order & will pass

Signed ꝑ Order John Ross Cl Up Ho

Sent to the Lower house by John Hall Esq^r^

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the morning with the Addition of Benjamin Tasker Esq^r^

An Engrossed Bill from the lower house by Coll. Fendall & M^r^ Thompson Entituled a Supplementary Act to the Act Entituled an Act to prevent the abuses of concealing convicted felons & other Offenders imported into this province & for the better Discovery of them subscribed thus

7th August 1729 U. H. J.

Read & assented to by the lower house of Assembly

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read & assented to by this house & ordered to be so subscribed, the Paper bill to be so Endorsed is sent to the Lower House by Coll. Tilghman

The following Message being prepared is sent to the Lower House by Philemon Lloyd, Esq.

By the Upper House of Assembly 7th August 1729

Gentlemen

In answer to your Message of this day by Mr. Holyday & Mr. Johnson We let you know that We are surprized you should insist upon the Reduction of a fourth part of the Officers fees, since those fees are not ascertained by Law, wherefore this house cannot recede from their Amendment proposed, nor pass the bill without leaving out the Words, *and other officers.*

Signed ꝑ Order John Ross Cl. U. H.

Read the petition of Conrad Kilm Ordered to be thus Endorsed

By the Upper House of Assembly 7th August 1729

The within Petition being read, Leave is given to bring in a Bill as prayed

Signed ꝑ Order John Ross Cl Up. Ho.

A Bill Entituled an Act for the Naturalization of Conrade Kilm, of the City of Annapolis, Cooper, Anna Maria his Wife & John his Son, being read is ordered to be thus endorsed

By the Upper house of Assembly 7th August 1729

Read the first & second time by an Especial Order & will pass

Signed ꝑ Order John Ross Cl. Up. Ho.

Sent to the Lower house with the Petition by Coll Tilghman

A Bill from the Lower house by Coll Gale & Mr Key Entituled an Act for the Naturalization of Conrade Kilm of the City of Annapolis Cooper, Anna Maria his Wife & John his Son thus Endorsed

By the lower house of Assembly 7th August 1729

Read the first time & the Question being put whether this bill should have a Second [reading] or not? Resolved in the Negative

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

U. H. J. A Message from the Lower house by Mr Jenings & Mr Hemsley with the supplementary Tobacco bill

By the lower house of Assembly 7th August 1729

May it please your Honours

In Answer to your Message of this Day by Philemon Lloyd Esqr this house being sensible of the necessity of a Law to explain the Tobacco Law; & also being satisfyed with the Reasons which this p. 81 house hath before given to your Honours, of the Injustice in the Exemption of the Officers fees in the Bill now proposed, We have thought Convenient to offer to you the following Expedient viz. To admit your Amendment, by the Omission of the Words, *& other Officers* & to fix the number of Plants to the Number regulated by the Tobacco Law: And also that Tobacco Debts may be discharged in the same manner & Proportion as the Tobacco Law directs

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

The Question being put, whether the Amendments proposed by the Lower house to the Supplementary Tobacco bill be approved of by this house? Resolved in the Negative

Resolved that the Clerk of this house receive the same fees on all private Bills made this Session, as are allowed by the lower house to their Clerk

Adjourned till to Morrow Morning Eight of the Clock

August 8 Friday Morning 8th August 1729

This house met again according to Adjournment

Present as yesterday

The following Message being prepared is sent to the Lower house by Coll Ward

By the Upper house of Assembly 8th August 1729

Gentlemen.

In Answer to your Message of 6th Instant by Mr Beale & four more this house doth concurr in the payment of the Allowances to the several Members of the Assembly in Cash from Saturday last

Signed ꝑ Order John Ross Cl Up Ho.

The following Message being prepared is sent to the Lower house by Coll Rider

By the Upper house of Assembly 8th August 1729

Gentlemen.

The ill conveniencys which We foresee, in the making an equal Distribution of the publick & other Tobacco dues, when collected by the Sheriffs according to the Directions of the Tobacco Law, partly in money & partly in Tobacco (so that every person interested therein, may have his just Proportion as well in money as in Tob° & so mutatis mutandis, according to the payments made to the sheriffs in either specie) appear to this house to be many & very intricate. We therefore think it worthy the Consideration of the Legislature at this Time to Consult of certain heads or gen^l Rules to be laid down, as Directions to the several Sheriffs of this Province, in the making Distribution of the Publick & other Tobacco dues; so that no one Person be preferred to the Prejudice of another, but that the meanest Planter, who hath any Claim in the Publick may have his just share of the Tobacco when that is most valuable, or of the money when most eligible according to the Quality of the payments bona fide made to the Sheriffs of each County. We therefore propose the joyning some Members of your house with some of Ours in a Conference to consider of the most proper Measures for the Accomplishment of so good an End U. H. J. p. 82

Signed ꝑ Order John Ross Cl. Up Ho.

The following Message being prepared is sent to the Lower house by Benjamin Tasker Esq^r with the supplementary Tobacco bill

By the Upper house of Assembly 8th August 1729

Gentlemen.

We cannot consent to the Alterations in your Message of yesterday by M^r Jenings & M^r Hemsley to the supplementary Tobacco bill, but insist upon the Amendments already proposed by Our house

Signed ꝑ Order John Ross Cl Up Ho.

A Message from the lower house by M^r Key & Coll Ennals

By the Lower house of Assembly 8th August 1729

May it please your Honours

In answer to your Message of this Day by Coll Rider wherein you propose a Conference to consider of the most proper Measures to direct the Sheriffs in the Distribution of the Publick & other Dues this house hath appointed M^r Dulany M^r Jenings Coll Gale & M^r Key to join any Members appointed by your house

Signed ꝑ Order M: Macnemara Cl. Lo Ho.

The following Message being prepared is sent to the Lower house by Philemon Lloyd Esq^r

By the Upper house of Assembly 8th August 1729

Gentlemen.

In answer to your Message of this Day by M^r Key & Coll Ennals this house hath appointed Philemon Lloyd Esq^r & Coll Tilghman to p. 83

U. H. J. joyn the Members appointed by your house in a Conference who will be ready to attend at the house of Mr George Neilson immediately

Signed ꝑ Order John Ross Cl. Up Ho.

The Honourable Edward Henry Calvert attended by five of the Members of this house carries to the Lower house the following Message

By the Upper house of Assembly 8th August 1729

Gentlemen

In answer to your Message of 5th Instant by Mr Smith & Eleven more We declare that We shall always be ready to joyn with you in a proper Application to Our Proprietor to redress any Aggrievance his Majestys Subjects within this Province may labour under, but as you now question a Power that the Proprietarys of this Province have exercised from the beginning of their Government, & We believe with good Reason, We therefore do not think fit to joyn with you as proposed by your Message.

Signed ꝑ Order John Ross Cl. Up Ho.

Read the Petition of Edward Newton John Anderton and others, and ordered to be thus Endorsed

By the Upper house of Assembly 8th August 1729

Having considered the within Petition We have made Enquiry after the Return formerly made of the Survey of the Choptank Indians Lands by the Commissioners appointed for that purpose, but that Return not being upon Record or elsewhere to be found, We have therefore procured from the Surveyor who was employed upon that Occasion, a Copy of the Return of the sd Commissioners with a Platt of the Indians Lands annexed thereto & approved by this house with which if your House concurs, We desire the same may be entred upon Record in the Land Office, for the Benefit of all such Persons as shall hereafter have Occasion to have Recourse thereunto

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house with the Platt by Coll Ward

Adjourned till two of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the morning

p. 84 Philemon Lloyd Esqr appointed in a Conference with the Gentlemen nominated by the Lower house presents the Report thereof which being read & approved of is as follows

At a Conference held at George Neilsons 8th August 1729

Present

The Honourable { Philemon Lloyd Esqr / Richard Tilghman Esqr } Of the Upper House
Mr Dulany Mr Gale / Mr Jenings Mr Key } Of the Lower house

Who chose Philemon Lloyd Esqr Chairman

The Conferees in Obedience to the direction of both houses of Assembly having taken into Consideration the difficulty attending the Distribution of money to be received by the Sheriffs in Lieu of Tobacco, to the People who shall have Right to receive the same, conceive that if the money Payments are to Continue, that it is absolutely necessary to prevent breaking hogsheads & to oblige the Sheriffs to pay what money they shall receive in a just Proportion to those to whose Use they receive it. But how to make such a Provision as will prevent Partiality in the Distribution, Wee Conceive to be attended with very great (if not insuperable) Difficulties, and therefore We submit it to the Consideration of both houses whether it would not avoid all Inconveniences & be more just & equal to repeal that part of the Tobacco Law which relates to money Payments and to enable the People to pay three fourths of such Tobacco debts as are subject to a deduction by the sd Act in specie in Lieu of the whole

Levin Gale D1 Dulany Phile Lloyd
Philip Key Edm. Jenings Rd Tilghman

A Message from the lower house by Major Hanson & Mr Chamberlin

By the Lower house of Assembly 8th August 1729

May it please your honours

We cannot pass the Supplementary bill to the Tobacco Law according to your Terms, nor concurr with the Report of the Conferees, & therefore (in Regard We have no other Business before Us) We desire your Honours will endeavour to bring this Session to a Conclusion

Signed ꝑ Order M: Macnemara Cl. Lo Ho

The Journal of the Committee of Accounts being read, is ordered to be thus subscribed

8th August 1729

Read & assented to by the Upper house of Assembly

Signed ꝑ Order John Ross Cl Up Ho.

U. H. J. Sent to the lower House by Benjamin Tasker Esqr

p. 85 A Message from the Lower house by Mr George & Mr Hemsley

By the lower house of Assembly 8th August 1729

May it please your Honours

As there will be a necessity for some Persons to be empowered by an Act of Assembly to lay the publick Levy We have to that End named Coll Mackall Mr Key Mr Harris Mr Beale Coll Fendall Mr Dashiels Mr Hollyday Coll Ennals Mr Hamilton Mr George Mr Crabb & Mr Hemsley & desire you would please to nominate some of the Members of your house to be added to them

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Whereunto the following Answer being prepared is sent to the Lower house by Coll Rider

By the Upper house of Assembly 8th August 1729

Gentlemen.

In Answer to your Message of this Day by Mr George & Mr Hemsley this house hath appointed Edward Henry Calvert Esqr Coll Wm Holland John Hall Philemon Lloyd & Benjamin Tasker Esqrs to join the Members nominated by your house to lay the Publick Levy

Signed ꝑ Order John Ross Cl Up Ho.

A Bill from the Lower house by Mr Beale & Mr Dashiel Entituled an Act empowering a Committee to lay, assess & apportion the Publick Levy for this present year 1729 thus Endorsed

By the Lower house of Assembly 8th August 1729

Read the first & second Time by an Especial Order & will pass

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read in this house & ordered to be thus Endorsed

By the Upper house of Assembly 8th August 1729

Read the first & second Time by an Especial Order & will pass

Signed ꝑ Order John Ross Cl Up. Ho.

The money Journal from the lower house by Mr Beale & Mr Dashiel thus subscribed

By the lower house of Assembly 8th August 1729

Read & assented to

Signed ꝑ Order M: Macnemara Cl Lo. Ho.

Read in this house & Ordered to be thus subscribed **U. H. J.**

By the Upper house of Assembly 8th August 1729 p. 86

Read & assented to

Signed ꝑ Order John Ross Cl Up Ho.

Sent to the Lower house with the Levy bill by John Hall Esqr

An Engrossed Bill from the lower house by Mr Hollyday and Mr Turbutt Entituled an Act empowering a Committee to lay assess & apportion the publick Levy for this present year One thousand seven hundred & twenty nine thus subscribed

8th August 1729

Read & assented to by the Lower house of Assembly

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Read & assented to by this house & ordered to be so subscribed the Paper Bill so Endorsed is sent to the Lower house by Coll Rider

Mr Beale & Mr Hollyday from the Lower house acquaint His Excellency that their House have no Business before them

Whereupon Coll Tilghman & Coll Ward are sent to the Lower house to acquaint the Speaker & the whole House that His Excellency requires their Attendance in the Upper House to see the Laws passed this Session receive the Assent

Forthwith the whole House attend & by their Speaker present to his Excellency the following Laws, which were signed & assented to on behalf of the Right Honourable the Lord Proprietary of this Province by His Excellency the Governor & sealed with His Lordships Great Seal at Arms the Titles of which Laws are as follows Viz.

N° 1. An Act for the naturalization of Christian Peters of Cecil County a Native of Germany. Chap. I

N° 2 An Act repealing part of an Act, Entituled, an Act against forging and counterfeiting of foreign Coins, Gold or Silver; made at a Session of Assembly begun & held at the then Town & Port of Annapolis the twenty sixth day of March Anno Domini 1707 " II

N° 3 A Supplementary Act to the Acts for regulating Writts of Error, & granting Appeals from & to the Courts of Common Law within this Province, & for regulating Appeals from the Court of Chancery. " III

N° 4. An Act for the more effectual punishing of Negroes & other slaves, and for taking away the Benefit of Clergy from certain Offenders " IV p. 87

N° 5. An Act reviving & Continuing an Act, Entituled an Act, ascertaining the Gauge & Tare of Tobacco hhds, & to prevent crop- " V

U. H. J. ping cutting & defacing Tob° taken on board Ships & Vessels upon freight, & for laying Impositions on Tob° ꝑ the hh^d for the support of Government & for the Encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordships Alienation fines & Quit Rents, for the Term therein proposed, & for taking off the three pence ꝑ hh^d formerly raised for the publick Charge

Chap. VI N° 6. An Act for the laying out of Land, and erecting a Town at the head of Port Tobacco Creek in Charles County

" VII N° 7. An Act impowering and directing the Justices of the several Counties within this Province to levy any Quantity of Tobacco, not exceeding Ten pounds ꝑ Poll on the Taxable Persons of any Parish, in each of their respective Counties, on Application to them made by the Vestry & Church Wardens of any Parish

" VIII N° 8. An Act for the Relief of Creditors & to prevent frauds & Deceits occasioned by secret Sales, mortgages, & Gifts of Goods & Chattels

" IX N° 9 An Act to Confirm a deed of Bargain & Sale from Stephen Yoakley to Thomas Colmore

" XI N° 10. An Act for the further Assessm^t of forty thous^d p^{ds} Tobacco on the Inhabitants of S^t Ann's Parish in Ann Arundel County, towards enlarging & repairing the Church in the City of Annapolis; & building a Chappel of Ease in the s^d Parish; & for a Payment of a fourth part of the Charge by a publick Assessment on the whole Province, for the Enlargement & Reparation of the s^d Church.

" XII N° 11. An Act for erecting a Town on the North Side of Potapsco in Baltemore County; & for laying out in Lotts sixty Acres of Land in & about the Place, where One John Fleming now lives.

" XIII N° 12. An Act for the Assessment of Ten ꝑ Poll on the taxable Persons in S^t Pauls Parish in Queen Anns & Talbot Counties, the next Levy; and Ten ꝑ Poll the Ensuing; also for the Assessing Ten ꝑ Poll yearly on the Taxable Persons in S^t Lukes Parish in Queen Anns County, until they shall have raised sufficient to Compleat a Church in the s^d Parish.

" XIV N° 13. An Act concerning the Parishes in S^t Marys & Charles p. 88 Counties

" XV N° 14. An Act to Encourage the Importation of Gold & Silver into this Province

" XVI N° 15. An Act for the Relief of Christopher Gardiner a languishing Prisoner in Baltemore County Goal

" XVII N° 16. An Act against Engrossers & Regrators

" XVIII N° 17. An Act to aid the Proceedings of some of the County Courts within this Province

" XIX N° 18 An Act for raising a duty of Three pence ꝑ hh^d on all Tobacco exported out of this Province for the Uses therein mentioned

N° 19. An Act providing what shall be good Evidence to prove foreign and other Debts, and to prevent vexatious & unnecessary Suits at Law, pleading Discounts in Barr, & for repealing an Act of Assembly therein mentioned U. H. J. Chap. XX

N° 20 An Act for the Preservation of the Breed of Wild Deer. " XXI

N° 21. An Act for reviving & Continuing an Act Entituled an Act to restrain the ill Practices of Attorneys & to prevent their taking money fees, and ascertaining what fees shall be allowed to the Practitioners in the Law, who shall attend the Circuit Courts; made at a Session of Assembly begun and held at the City of Annapolis the fifteenth Day of March Anno Domini One thousand Seven hundred & twenty five " XXII

N° 22. An Act for the Assessment of so much Tobacco on the Inhabitants of Allhallows Parish in Ann Arundel County as will build them a new Parish Church. " X

N° 23. An Act for the Relief of Thomas Worsley, Hezekiah Clarke, & Benjam^n^ Freeman Prisoners in Ann Arundel County Goal Chap. XXIII

N° 24. An Additional & supplementary Act to the several Acts for the Admin^n^ of Justice in Testamentary Affairs. Chap. XXIV

N° 25. An Act to prevent rigorous Prosecutions on Sheriffs, Testamentary & Deputy Commissarys bonds Chap. XXV

N° 26. A supplementary Act to the Act Entituled an Act to prevent the Abuses of Concealing Convicted felons, and other Offenders, imported into this Province; & for the better Discovery of them. Chap. XXVI

N° 27. An Act empowering a Committee to lay, assess, and apportion the Publick Levy for this Present Year One thousand Seven hundred & Twenty nine p. 89 Chap. XXVII

After which His Excellency the Governor is pleased to Conclude the Session with the following Speech Viz.

Gentlemen of the Upper & Lower houses of Assembly

In Answer to the joint Address presented me by both houses on Wednesday last, I promise you my best Endeavours to engage such a friendly Correspondence, with Our neighbours of Virginia, as you desire; which indeed seems the most probable means of promoting the Value of Tobacco, a common Concern to both Colonies

Gentlemen of the House of Delegates

I sincerely thank you, for the Marks of your Good Will towards me. I shall give Orders for the Alteration to be made in the Provincial Commission, agreeable to your late Address.

Gentlemen of both Houses

Before I dismiss you, I desire you would favourably accept my Earnest Wishes for your General Welfare, which I hope you will

U. H. J. daily advance in your several Counties by a faithful Duty to the Government in all its parts; and by mutual Justice and good humour amongst your selves

Benedict Leonard Calvert

After which His Excellency is pleased (with the Advice of his Lordships Council) to prorogue this Assembly to the Third Tuesday in November next

Thus Endeth the second Session of the General Assembly of this Province begun and held at the City of Annapolis on Thursday the Tenth Day of July 1729 and Ending the Eighth Day of August following in the Third year of the Reign of Our Sovereign Lord George the Second, and in the fifteenth Year of His Lordships Dominion &c.

Jn° Ross Cl Up Ho.

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

July 10–*August* 8, 1729.

Maryland ss.

At a Session of Assembly by Prorogation from the Second Day of November last Held at the City of Annapolis in Ann Arundell County on Thursday the Tenth Day of July in the fifteenth Year of the Dominion of the Right Hoñble Charles Lord Baron of Baltemore &c. Annoq Dom 1729. Appeared in the Lower House of Assembly of the Province afd. Benedict Leonard Calvert Esq^r being Gov^r the following Delegates Viz.

L. H. J.
July 10
1729
Calvert
Papers
No. 781
p. 1
[Gov. Calvert's Copy]

The Honourable Coll^o John Mackall Speaker

For S^t Marys County
Cap^t Thomas Waughop
M^r Phillip Key
M^r John Young

For Charles County
Maj^r Robert Hanson
Coll^o John Fendall
M^r John Courts
M^r Samuel Hanson

For Calvert County
M^r Benjamin Mackall
M^r Walter Smith of Leon^{ds} Creek
Maj^r Adderton Skinner

For Prince Georges County
M^r John Magruder
M^r Ralph Crabb
Coll^o Joseph Belt

For Talbot County
James Hollyday Esq^r
M^r George Robins
M^r Sam^l Chamberlain
M^r John Edmundson

For the City of Annapolis
M^r Robert Gordon
Edmund Jennings Esq^r

For Ann Arundell County
John Beale Esq^r
Daniel Dulany Esq^r
M^r Richard Wharfield
M^r Thomas Worthington

For Baltemore County
M^r Thomas Tolley
M^r Daniel Scott
M^r William Hamilton

For Somerset County
Maj^r Robert King
William Stoughton Esq^r
M^r George Dashields

For Queen Anns County
Cap^t William Elliot
M^r Augustine Thompson
M^r William Turbut
M^r William Hemsley p. 2

For Dorchester County
M^r John Brannock
M^r John Kirk.

L. H. J. A Sufficient number of the Members of this House being met at the Stadt House.

It is Ordered that Daniel Dulany and John Beale Esq^r go to the Upper House and Acquaint the Gov^r thereof

They went and return and Say they Delivered their Message. Coll^o Tilghman and Coll^o Ward from the Upper House acquaint M^r Speaker that the Gov^r requires him and the rest of the Members of this House to Attend him Immediately in the Upper House and so withdrew themselves.

M^r Speaker and the other Members of this House went to the Upper House where the Gov^r made the following Speech Viz. [The text of this speech is printed at page 309.]

p. 4 M^r Speaker with the Rest of the Members of this House return

M^r Speaker resumes the Chair and Adjourns the House untill to Morrow Morning at Eight of the Clock

July 11 Friday Morning July the 11^th at 8 of the Clock

The House meet according to Adjournment. the Members were Called and all Present as Yesterday. the proceedings of Yesterday were read over.

The Rules of the last Assembly being read the House Approve thereof and Appoint them to be Kept as Such during this Session.

p. 5 Resolved that the Time of Sitting of this House to dispatch Business be from 8 of the Clock in the forenoon untill twelve and from two in the Afternoon Untill Six

The following Message being prepared was Ordered to be Entred thus. [The text of this message is printed at page 311.]

And Sent to the Upper House by M^r Crabb and William Stoughton Esq^r who return and say they Delivered the same

The Gentlemen of the Several Committees appointed Last Session are Continued therein this Session.

James Hollyday and William Stoughton Esq^r are Sent to the Upper House to see Coll^o William Ennalls a Member returned to Serve for Dorchester County qualified they return and say they saw the same done.

M^r Peter Taylor a Representative of Dorchester County Appears in the House this Day

Ordered that a Warrant be Issued to the Secretary to Prepare a New Writt of Election to be Directed to the Sherriff of Prince Georges County to Elect a New Member in the Place of Major Samuel Perrie lately Deceased.

Coll^o Rider from the Upper House delivers the following Message Viz. [The text of this message is printed at page 311.]

On reading the Petition of William Dorington a Minor of Dorchester County Preferred by M^r^ John Brannock his Guardian It is ordered that Notice be given to all Parties Concern'd to Attend this House on Thursday the 24th of this Instant. L. H. J. p. 6

Maj^r^ King being in an Ill State of Health hath the Leave of the House to go Home.

M^r^ Robert Gordon is Ordered to Acquaint the Reverend M^r^ Humphreys that this House Desires him to read Divine Service during this Session, at Seven of the Clock in the forenoon and at Six of the Clock in the Afternoon.

Who returns and Informs the House that he Delivered his Message.

The House Adjourns untill Two of the Clock in the Afternoon

Friday at 2 of the Clock in the Afternoon

The House met According to Adjournment. the Members were Called over and all Present as in the Morning.

The Petition of the Tenants of a Tract of Land Called his Lordships Kindness being read It was Ordered that the Same should be referred to the Next Session and that all Parties Concerned should have Notice thereof.

Daniel Dulany Esq^r^ from the Committee of Laws which was Ordered to Prepare an Address to the Gov^rs^ Speech delivers the following Viz. p. 7

To the Hoñble Benedick Leonard Calvert Esq^r^ Governour
of Maryland.

The Humble Address of the House of Delegates

May it Please your Hon^r^

We his Majesty's most Dutifull and Loyal Subjects the Representatives of the freemen of Maryland return Your Honour our humble and Hearty thanks for your Kind Speech at the Opening of this Session and for recommending Loyalty Moderation and Justice to Us, in so handsome a Manner, which a Sense of our Duty as well as Your Hon^rs^ Recommendation will (We hope) incite us to Pursue.

As the Act for Ascertaining the Gauge and Tare of Tob° Hogsheads mentioned by your Hon^r^ is near Expiration, and that that Act or any such is of great Consequence to the People we represent we shall Consider it in the best Manner we are Capable of and do therein what we shall find most Advantageous to them as well as most Just to the Lord Proprietary.

We agree with your Honour that a Certainty in Matters of Property and a Speedy Decision of Controversies are Very Desireable

L. H. J. p. 8 and we Will Endeavour to Provide against the Inconvenience your Honr Mentions in the Act Concerning Appeals, as well as Explain (to the best of our Understanding) such other Laws as shall Appear to us, to be Ambiguously or Imperfectly Expressed for as Your Honr Justly Observes, Consulting Cautiously how to make Laws without being Carefull in Penning them will Avail Little.

We will make the best Provision we Can to Secure the Publick Records from Accidents and Use our Utmost Endeavours to Acquit our Selves in the Service of our Country as becomes Loyal Subjects and honest Men.

Which being read twice was unanimously approved of by the House and Ordered that Daniel Dulany Esqr Employ some Person to Ingross the same.

John Hall Esqr from the Upper House Delivers to Mr Speaker the Petition of Christopher Gardiner of Baltemore County Indorsed thus.

By the Upper House of Assembly 11th July 1729

Read and referr'd to the Consideration of the Lower House of Assembly.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

Ordered that Mr Parks Print the Proceedings of this House on the Same Terms as he did Last Session.

Mr Joshua George a Representative of Cecil County Appears in the House this Day.

Mr Phillip Kennard Mr George Willson and Capn Ebenezer Blackistone three of the Representatives of Kent County Appear in the House this Day.

p. 9 Mr Roger Matthew a Representative of Baltemore County Appears in the House this Day.

The Petition of Christopher Gardiner referr'd here from the Upper House was read and rejected.

Daniel Dulany Esqr brings into the House the Address to the Govr Ingrossed which being read is approved and the Speaker by Order of the House Sign'd the Same.

Whereupon John Beale Esqr and Mr Gordon are ordered to go and Acquaint the Govr that this House hath prepared an Address to his Speech and is Desirous to Know if he is at Leasure to receive the Same, they return and Acquaint the House with the Delivery of their Message and that the Govr will be ready to receive the Same in half an hour.

The Address of this House to the Govr was Sent by Daniel Dulany Esqr Mr Key Mr Samuel Hanson Mr Magruder Mr Crabb

John Beale Esq^r^ Coll^o^ Fendall, M^r^ Joshua George Edmund Jennings Esq^r^ and Coll^o^ Joseph Belt who return and Say they Delivered the same. L. H. J.

The House Adjourns till to Morrow Morning at 8 of the Clock

Saturday July the 12th 1729. July 12

The House met this Day according to Adjournment. The Members were Called and all Present as Yesterday except Maj^r^ King absent thro' Sickness. The proceedings of Yesterday were read over.

M^r^ Thomas Johnson Coll^o^ Ephraim Augustine Herman and M^r^ Stephen Knight three of the Representatives of Cecill County Appear in the House this Day. p 10

It is ordered that a Bill be brought in for the Punishment and Speedy Tryal of Negroes.

A Bill Entituled an Act for the better Administration of Justice in Testamentary Affairs granting Administrations recovery of Legacies Securing filial Portions & Distribution of Intestates Estates and for repealing the Several Laws therein Mentioned was read the first time & Ordered to Lye on the Table.

James Harris Esq^r^ Appears in the House this Day

The House Adjourns untill 2 of the Clock in the Afternoon

Saturday at 2 of the clock in the afternoon

The House met According to Adjournment the Members were Called & all Present as in the Morning.

M^r^ John Magruder and M^r^ Ralph Crabb have Leave of the House to go home untill Monday.

Philemon Loyd Esq^r^ from the Upper House Delivers to M^r^ Speaker the Petition of Thomas Worsley in Ann arundell County Prison Indorsed thus. [The text of the endorsement is printed at page 314.]

The Petition of Thomas Jacks a Languishing Prisoner in Ann arundell County Prison Indorsed thus. [The text of the endorsement is printed at page 314.]

The Petition of Edward Harris of Queen Anns County Indorsed thus. [The text of the endorsement is printed at page 314.] p. 11

The Petition of Benjamin Freeman a Languishing Prisoner in Ann arundell County Gaol Indorsed thus. [The text of the endorsement is printed at page 314.]

And the Petition of Hezekiah Clark a Languishing Prisoner in Ann arundell County Prison Indorsed thus. [The text of the endorsement is printed at page 314.]

L. H. J. Coll° Tilghman from the Upper House Delivers to M^r^ Speaker the Petition of Christian Peters a Native of Germany Indorsed thus. [The text of the endorsement is printed at page 314.]

p. 12 On Reading the Petition of Christian Peters referr'd here from the Upper House it is ordered that Leave be given to the Petitioner to bring in a Bill as Prayed.

The House Adjourns untill Monday Morning at 8 of the Clock.

July 14 Monday July the 14th 1729

The House met According to Adjournment The Members were Called and all present as on Saturday

The Proceedings of Saturday were read over. Nothing of Moment lying at present before the house. The House Adjourns untill 2 of the Clock in the Afternoon.

Monday at 2 of the Clock in the Afternoon.

The House met According to Adjournment The Members were Called and all present as in the Morning.

The Gov^r^ Sent the following Answer to the Address of the House Viz.

Gentlemen.

I Have received great Satisfaction from Your Very Obliging Address it affords me the Pleasing View of an happy Issue to your Consultations, I return you my thanks for the Kind Expressions of the Sense wherewith you received what I Delivered to your Consideration which when brought to Maturity by your Knowledge and Zeal in the Publick Interest will I doubt not Effectually Promote Continued Ease & felicity to the good People of this Province

Bened^t^ Leon^d^ Calvert

p. 13 Coll° Ward from the Upper House Delivers to M^r^ Speaker the Petition of Several the Inhabitants in and About Potapsco River and the rest of the Inhabitants of Baltemore County Indorsed thus

By the Upper House of Assembly 14th July 1729.

Read and Recommended to the Consideration of the Lower House of Assembly

Sign'd ꝑ Order Jn° Ross Cl. Up: Ho.

With this further Indorsment we the Subscribers Proprietors of the said Land mentioned in the within Petition do Consent there may an Act Pass as Prayed on the Usual Terms.

Charles Carroll
Daniel Carroll

And the Petition of the Vestrymen Church Wardens and Others the Inhabitants of the Parish of All Hallows in Ann arundell County Indorsed thus. L. H. J.

By the Upper House of Assembly 14th July 1729

Read and Recommended to the Consideration of the Lower House of Assembly

Sign'd ꝑ Order Jnº Ross Cl. Up. Ho.

On Reading the Petition of Several the Inhabitants in & About Potapsco River and the rest of the Inhabitants of Baltemore County Praying Leave to Erect a Town on a Peice of Land belonging to Messrs Charles and Daniel Carroll referr'd here from the Upper House it is Ordered that Leave be given to bring in a Bill as Prayed.

On Reading the Petition of the Vestrymen Church Wardens and others the Inhabitants of the Parish of All Hallows in Ann arundell County referred here from the Upper House Praying Leave to bring in a Bill to Levy as much Tobº on the Taxable persons of the said Parish as would Enable them to rebuild their Parish Church It was ordered that the said Petition be granted unless Cause Shewn to the Contrary by the 23d of this Instant. p. 14

The House Adjourns untill to Morrow Morning at 8 of the Clock.

Tuesday July the 15th 1729 July 15

The House met according to Adjournment. The Members were Called and all were Present as Yesterday except Mr John Young Absent thro Sickness. the Proceedings of Yesterday were read over.

Severall of Majr Turbutts Family being indisposed he on his Application hath the Leave of the House to Absent himself for Sometime.

On reading the Report of the Commissioners appointed by the Lower House of Assembly to examine into two Petitions the one Preferr'd by the Inhabitants of the City of Annapolis Concerning their Town Commonage and the other by the Corporation of the said City Concerning the bounds of the Town Lands

It is ordered that the Several Examinations therein Contained be Admitted as Evidence when the Matter in the Petitions shall be heard.

It is the Opinion of this House that the aforesaid two Petitions Ought to be deferred the Heir at Law of Mr Bordley not being of full Age.

It is Ordered that the Register of the Land Office Attend the House Immediately with the Book wherein the Conditions of the p. 15

L. H. J. Plantations are Collected & Recorded by Order of the Commissioners.

John Rousby Esq^r from the Upper House Delivers to M^r Speaker the following Message Viz. [The text of this message is printed at page 316.]

The Question being Put whether a Bill should be brought in to Emit Paper Currency or not. Resolved in the Affirmative.

The House Adjourns untill 2 of the Clock in the Afternoon.

Tuesday at 2 of the Clock in the Afternoon

The House met According to Adjournment. The Members were Called & all Present as in the Morning.

On reading the Petition of Thomas Worsley the same was granted as Prayed.

On reading the Petition of Benjamin Freeman It was Ordered p. 16 that a Bill should be brought in to Discharge the Petitioner from all Arrests during the Term of Seven Years for all Debts heretofore Contracted.

The Petition of Thomas Jacks was read and rejected.

The Petition of Hezekiah Clark read and rejected.

The Petition of Edward Harris read and referred to the Committee of Accounts.

Mess^rs James Hollyday Ralph Crabb and Robert Hanson are appointed to Prepare a Bill to restrain Part of the Act now in force against forging and Counterfeiting of foreign Coin Gold or Silver.

The Bill Entituled an Act for the Naturalization of Christian Peters of Cecil County a Native of Germany was Read the first and Second time by Especial Order and Passed.

The said Bill was Sent to the Upper House by M^r George and M^r Knight who return and Say they Delivered the Same.

Benjamin Tasker Esq^r from the Upper House Delivers to M^r Speaker the Bill Entituled an Act for the Naturalization of Christian Peters of Cecil County a Native of Germany thus Indorsed Viz.

By the Upper House of Assembly 15th July 1729

Read the first and Second time by an Especial Order and will Pass.

Signed ꝑ Order Jn^o Ross Cl. Up. Ho.

Which said Bill was read here and Passed for Ingrossing

Mess^rs James Hollyday Ralph Crabb and Robert Hanson deliver to M^r Speaker a Bill Entituled an Act repealing Part of an Act p. 17 Entituled an Act Against forging and Counterfeiting of foreign

Coyns Gold or Silver made at a Session of Assembly begun & held at the then Town and Port of Annapolis the Twenty Sixth day of March Anno Domini 1707 which was read the first & Second time by Especial order and Passed and Sent to the Upper House by James Holliday Esq^r and M^r Thompson who return and say they Delivered the same. L. H. J.

The House Adjourns untill to Morrow Morning at 8 of the Clock.

Wednesday July the 16th 1729 July 16

The House met According to Adjournment the Members were Called and all were Present as Yesterday.

The Proceedings of Yesterday were read over

M^r John Young Absent Yesterday Appeared in the House this Day.

The Petition of M^r Bartholomew Ennalls of Dorchester County was read and rejected.

Phillip Lee Esq^r from the Upper House Delivered to M^r Speaker a Bill Entituled an Act to Prevent the untimely Killing of Deer Indorsed thus.

By the Upper House of Assembly July 15th 1729.

Read the first time and ordered to Lye on the Table

Signed ℘ Order Jn^o Ross Cl. Up. Ho.

And thus Indorsed Viz.

By the Upper House of Assembly 16th July 1729.

Read a Second time & will Pass.

Signed ℘ Order. Jn^o Ross Cl. Up. Ho.

The Bill Entituled an Act to Prevent the untimely Killing of Deer brought here from the Upper House was read the first time and ordered to lye on the Table. p. 18

M^r Joshua George from the Committee of Laws delivered to M^r Speaker a bill Entituled a Supplementary Act to the Acts for regulating Writs of Error and granting Appeals from and to the Courts of Common Law within this Province which was read the first time and Ordered to Lye on the Table.

The House Adjourns untill 2 of the Clock in the Afternoon.

Wednesday at 2 of the Clock in the Afternoon

The House met According to Adjournment. The Members were Called and all Present as in the Morning.

L. H. J. Major King Appears in the House this Afternoon

The Question being put whether the House should Proceed now to Consider the Act for Ascertaining the Gauge and Tare of Tobacco Hogsheads or not Resolved in the Affirmative.

The Question being Put whether the Act for Ascertaining the Gauge and Tare of Tobacco Hogsheads Should be revived or not Resolved in the Affirmative.

The Question being Put whether a bill should be Prepared to Enforce the said Act for the Term of three years or one year only.

Resolved that it be revived for one Year only

Coll° Rider from the Upper House Delivered to Mr Speaker the p. 19 Bill Entituled an Act repealing Part of an Act Entituled An Act against forging and Counterfeiting of foreign Coyns Gold or Silver made at a Session of Assembly begun and held at the then Town and Port of Annapolis the Twenty Sixth day of March Anno Dom. 1707 with this following Indorsment Viz.

By the Upper House of Assembly 15th July 1729

Read the first time and Ordered a Second reading to Morrow Morning.

Signed ℘ Order Jn° Ross Cl. Up. Ho.

And with this Indorsment Viz. [The text of the endorsement is printed at page 317.]

A Bill Entituled an Act for the more Effectual Punishing of Negroes & other Slaves and for taking away the benefit of Clergy from Certain offenders was read the first and second time by especial Order and Passed and sent to the Upper House by Messrs Robert Hanson & Wm Stoughton who return & say they delivered the same

p. 20 John Hall Esqr from the Upper House of Assembly delivered to Mr Speaker the Petition of the Inhabitants of Charles County thus Indorsed Viz.

By the Upper House of Assembly 16th July 1729

Read and referred to the Consideration of the Lower House of Assembly

Signed ℘ Order Jn° Ross Cl. Up. Ho.

The Petition of the Inhabitants of Charles County was read & granted according to the Prayer thereof.

The Bill Entituled a Supplementary Act to the Acts for regulating Writs of Error and granting Appeals from and to the Courts of Common Law within this Province was read the second time by an Especial Order and passed. And Sent to the Upper House by Mr George and Mr Chamberlain who return and say they Delivered the same. L. H. J.

The bill Entituled an Act repealing Part of an Act Entituled an Act against forgeing and Counterfeiting foreign Coyns Gold or Silver made at a Session of Assembly begun and held at the then town and Port of Annapolis the Twenty Sixth Day of March Anno Dom 1707 was read and Passed with the Alterations Proposed by the Upper House for Ingrossing.

The House Adjourns untill to Morrow Morning at 8 of the Clock.

Thursday July the 17th 1729 July 17

The House met According to Adjournment the Members were Called over and all Present as Yesterday. The Proceedings of Yesterday were read.

It being Moved by a Member for the House to Proceed to Enquire into the Late Attornys Law the Consideration thereof is referred untill Monday Morning.

The Petition of Mr Thomas Colmare of London Merchant Praying Leave to bring in a Bill to make Valid in Law a Deed Executed by Mr Stephen Yoakely to him hitherto omitted to be recorded was granted. p. 21

The Ingrossed Bill Entituled an Act for the Naturalization of Christian Peters of Cecil County a Native of Germany was read and Assented to by this House and Sent to the Upper House by Mr Johnson and Mr Knight who return and say they delivered the same.

Edmund Jennings Esqr from the Committee of Laws delivered to Mr Speakr a Bill Entituled an Act reviving and Continuing an Act Entituled an Act Ascertaining the Gauge and Tare of Tobacco Hogsheads and to Prevent Cropping Cutting and Defacing Tobacco taken on board Ships & Vessalls upon freight and for laying Impositions on Tobacco Per the Hogshead for the Support of Government and for the Encourageing Settlements in this Province by Ascertaining the manner of Paying his Lordships Alienation fines and Quit Rents for the Term therein Proposed and for taking of the three Pence ꝑ Hogshead formerly raised for the Publick Charge Which was read the first time and Ordered to Lye on the Table

Ordered that a bill be brought in to restrain the rigorous Prosecutions on Sherriffs Testamentary and Administration bonds Likewise ordered that a Bill be brought in to Record bills of Sale and Mortgages of Chattles.

Ordered that a bill be brought in to remedy the Inconveniences of the Act Entituled an Act Providing what shall be good Evidence p. 22

L. H. J. to Prove foreign and other Debts; and to Prevent Vexatious and Unnecessary Suits at Law Pleading Discounts in bar.

The Question being Put whether a Bill should be brought in to Allow the Governour three half Pence ꝑ hogshead or not Resolved in the Affirmative.

The House Adjourns untill 2 of the Clock in the Afternoon.

Thursday at 2 of the Clock in the Afternoon.

The House met according to Adjournment. The Members Were Called over and all Present as in the Morning except Mr Phillip Kennard who is Sick.

The Question being Put whether the Three half pence ꝑ Hogshead Voted to be applyed to the Governour befor three Years or one Year, Resolved that it be for one Year.

The Bill Entituled an Act for the better Administration of Justice in Testamentary Affairs granting Administrations recovery of Legacies Securing filial Portions and Distribution of Intestates Estates & for repealing the several Laws therein Mentioned was read the second time and Passed.

Sent to the Upper House by Daniel Dulany and Seven more They return and say they Delivered the same.

The House Adjourns untill to Morrow Morning at 8 of the Clock.

July 18 Friday July the 18th 1729.

The House met According to Adjournment. The Members were Called and all Present as Yesterday. The Proceedings of Yesterday were read over.

p. 23 Coll° Gale a Representative of Somerset County Appeared in the House this Day.

Majr Turbutt who had Liberty to Absent himself for some time Appeared in the House this Day.

The House proceeded to take into their Consideration the Act for Emproving the Staple of Tob° upon which the following Questions Arose.

The Question was Put whether the Number of Plants of Tobacco to be Allowed to Each Labouring Taxable Person in future Crops should be reduced or not. Resolved Nemine Contradicente in the Affirmative.

The Question being put whether the Reduction should be made to Six thousand plants or five thousand. Resolved that the Reduction be to Six thousand.

The Question being Put whether the Number of Plants Allowed to Male and female labouring Persons between Twelve and Sixteen Years of Age be Reduced. or not Resolved in the Affirmative.

The Question arose whether it was needfull to Explain that Part of the Act concerning Tradesmen Men or not the same being Put was Resolved in the Affirmative. L. H. J.

The Question being Put whether a free Tradesman Using his Trade for a Livelyhood be restrained from making Tobacco or not Resolved unanimously in the Affirmative.

The Question being Put whether Officers to be named Particularly in a bill to be brought in be Allowed to tend Tobacco or not Resolved in the Negative.

The Question being Put Whether Assembly men ought to be Counters of Tobacco or not Resolved in the Negative Nemine Contradicente. p 24

Philemon Lloyd Esq^r from the Upper House delivered to M^r Speaker the bill Entituled a Supplementary Act to the Acts for regulating Writs of Error and granting Appeals from and to the Courts of Common Law within this Province Indorsed thus.

By the Upper House of Assembly 16th July 1729.

Read the first time and Ordered to lye on the Table.

Sign'd ꝑ order Jn^o Ross Cl. Up. Ho.

, And thus Indorsed (Viz.) [The text of the endorsement is printed at page 319.]

The Question being Put whether there should be an Alteration in that Part of the Tobacco Law appointing the Counters Jointly to do their Office or not Resolved that there be an Alteration. p. 25

The Question being Put on the resolution of the Previous Question whether Counters might Execute their Office Separately, or not. Resolved that they may Execute their office Separately.

The Question being Put whether County Clerks for Copying the Returns of the Counters should be Allowed 400# or 500# of Tobacco. Resolved that they be allowed 400#

The Question being Put whether there should be any Alteration made to that Part of the Law which Allows a fourth Part of the Debts to be Deducted or not Resolved in the Negative

The House Adjourns untill 2 of the Clock in the Afternoon

Friday at 2 of the Clock in the Afternoon.

The House met according to Adjournment. The Members were Called and all Present as in the Morning.

M^r Samuel Hanson from the Committee of Laws Delivered to M^r Speaker a bill Entituled an Act for the Laying out of Land and Erecting a Town at the head of Portobacco Creek in Charles County.

L. H. J. The following Message being Prepared was ordered to be Entred thus. [The text of this message is printed at page 321.]

p. 26 And sent to the Upper House by Majr Hanson and Mr Hamilton who return and Say they Delivered the same.

The following Message Viz. [The text of this message is printed at page 322.]

Was sent to the Upper House by Mr Crabb & Mr Tolley who return and say they Delivered the Same.

The Bill Entituled an Act for the Laying out of Land and Erecting a Town at the Head of Port tobacco Creek in Charles County was read the first time and Ordered to Lye on the Table.

The Petition of Mr Thomas Cockey was read and rejected.

Collo Tilghman from the Upper House Delivered to Mr Speaker the following Message (Viz.) [The text of this message is printed at page 321.]

p. 28 The House doth Appoint Mr Dulany Mr Samuel Hanson Mr Jennings Mr Crabb Collo Gale and Mr Hollyday to joyn the Members proposed by the Upper House Concerning Settling a friendly Correspondance with the Gentlemen of Virginia.

Collo Ward from the Upper House Delivered to Mr Speaker the paper Bill Entituled an Act for the Naturalization of Christian Peters of Cecil County a Native of Germany thus Indorsed Viz.

By the Upper House of Assembly July the 18th 1729.

The Engrossed Bill whereof this is the Original is read and Assented to by this House and Sign'd ꝑ Order.

Jno Ross Cl. Up. Ho.

And the Bill Entituled an Act for the more Effectual punishing of Negroes and other Slaves and for taking away the benefit of Clergy from Certain Offenders Indorsed thus.

By the Upper House of Assembly 16th July 1729.

Read the first time and Ordered to Lye on the Table.

Signed ꝑ Order. Jno Ross Cl. Up. Ho.

And thus Indorsed Viz. [The endorsement is printed at page 320.]

p. 29 The Bill Entituled a Supplementary Act to the Acts for regulating Writs of Error and granting Appeals from and to the Courts of Common Law within this province and for Regulating Appeals from the Court of Chancery was read and passed with the Amendments proposed by the Upper House for Ingrossing.

The House adjourns untill to Morrow Morning at 8 of the Clock.

Saturday July the 19th 1729 L. H. J. July 19

The House met According to Adjournment. The Members were Called and all present as Yesterday Except Mr Tolley. The proceedings of Yesterday were read over.

A Bill Entituled an Act to Prevent the untimely killing of Deer was brought in from the Committee of Laws and being read the first and second time by Especial order was passed and was sent to p. 30 the Upper House by Collo Belt and Majr Turbutt who return and Say they Delivered the Same.

The Bill Entituled an Act reviving and Continuing an Act Entituled an Act Ascertaining the Gauge and Tare of Tobacco Hogsheads &c. was read the Second time and Passed and Sent to the Upper House by Messrs Samuel Hanson & James Hollyday who return and say they Delivered the same.

The Ingrossed Bill Entituled an Act repealing Part of an Act Entituled an Act against forging and Counterfeiting of foreign Coyns Gold or Silver made at a Session of Assembly begun and held at the Then Town and Port of Annapolis the Twenty Sixth Day of March Anno Domini 1707 was read and Assented to by this House and Sent to the Upper House with the paper bill thereof by Majr Turbutt and Capn Blackistone who return and say they Delivered the Same.

Edmund Jennings Esqr from the Committee of Laws delivered to Mr Speaker a bill Entituled an Act for raising a Duty of three Pence ℘ hogshead on all Tobacco Exported out of this Province for the Uses therein Mentioned.

The Bill Entituled an Act for the Laying out of Land and Erecting a Town at the Head of Portobacco Creek in Charles County was read the second time and Passed and Sent to the Upper House by Majr Hanson and Mr Courts who return and say they Delivered the same.

The following Message Viz. [The text of this message is printed at page 323.]

Was sent to the Upper House together with the bill Entituled an p. 31 Act for the more Effectual Punishing of Negroes and other Slaves and for taking away the benefit of Clergy from Certain Offenders by Messrs Ralph Crabb and George Robins who return and say they Delivered the same.

The House Adjourns untill 2 of the Clock in the Afternoon

Saturday at 2 of the Clock in the Afternoon

The House met According to Adjournment. The Members were Called and all Present as in the Morning.

Mr Tolley Appeared in the House this Afternoon.

L. H. J. John Rousby Esq^r from the Upper House Delivered to M^r Speaker the following Message Viz. [The text of this message is printed at page 324.]

p. 32 Coll° Rider from the Upper House Delivered to M^r Speaker the Bill Entituled an Act for the more Effectual Punishing of Negroes and other Slaves and for takeing away the benefit of Clergy from Certain Offenders Indorsed thus,

By the Upper House of Assembly 19th July 1729.

Read and will Pass as Proposed in Your Message of this Day by M^r Crabb & M^r Robins.

Signed ꝑ Order Jn° Ross Cl. Up. Ho.

The following Message Viz. [The text of this message is printed at page 324.]

Was Sent to the Upper house by M^r Hanson and M^r Jennings who return and say they Delivered the same.

The Ingrossed bill Entituled a Supplementary Act to the Acts for regulating Writs of Error and granting Appeals from and to p. 33 the Courts of Common Law within this Province and for regulating Appeals from the Court of Chancery was read and assented to by this house and Sent to the Upper House with the paper bill thereof by M^r Hollyday and M^r Hemsley who return and say they Delivered the same.

The following Message Viz. [The text of this message is printed at page 325.]

Was sent to the Upper House with the Bill to prevent the untimely killing of Deer Sent here from the Upper House by Major Hanson and Coll° Ennalls who return and say they Delivered the same.

p. 34 The Bill Entituled an Act for the more Effectual Punishing of Negroes and other Slaves and for taking away the benefit of Clergy from Certain Offenders was read and with the Amendments Agreed to by the upper house Passed for Ingrossing.

M^r Robins was discharged from further Attendance this Session he having Acquainted the House the ship in which he Intends to great Brittain is Shortly to depart this Province. M^r Crabb Coll° Belt and M^r Magruder hath Leave of the House to be Absent untill Monday.

The Bill Entituled an Act for raising a Duty of three Pence ꝑ hogshead on all Tobacco Exported out of this Province for the Uses therein mentioned was read the first time and Ordered to Lye on the Table.

The House Adjourns untill Monday Morning at 8 of the Clock

Monday 21st July 1729. L. H. J. July 21

The House met according to Adjournment the Members were Called over and all Present as on Saturday the Proceedings of Saturday were read

The Petition of Hezekiah Clark a prisoner in Ann Arundell County Gaol was read & Granted as Prayed.

The Bill Entituled an Act for raising a Duty of three Pence ꝑ hogshead on all Tobacco Exported out of this Province for the Uses therein Mentioned was read a second time and Passed.

Sent to the Upper House by Mr Crabb and Mr Young who return and say they Delivered the same.

Phillip Kennard who was absent for some time appeared in the House this day and Praying Leave to go home the House granted him the Liberty. p. 35

The Question being Put Whether the Act of Assembly for regulating Attorneys fees should be revived or revised Resolved that it be revised.

Daniel Dulany Esqr from the Committee of Laws delivered to Mr Speaker a Bill Entituled an Act for the releif of Creditors and to Prevent frauds and Deceipts Occasioned by Secret Sales Mortgages & Gifts of goods and Chattles which was read the first time and ordered to Lie on the Table.

John Hall Esqr from the Upper House delivered to Mr Speaker the Paper Bill Entituled an Act repealing Part of an Act Entituled an Act against forging and Counterfeiting of foreign Coins Gold or Silver made at a Session of Assembly begun and held at the Then Town and Port of Annapolis the Twenty Sixth day of March Anno Dom 1707, and the Paper Bill Entituled a Supplementary Act to the Acts for Regulating Writs of Error and granting Appeals from and to the Courts of Common Law within this Province and for regulating Appeals from the Court of Chancery Severally thus Indorsed (Viz)

By the Upper House of Assembly 19th July 1729

The Ingrossed Bill whereof this is the Originall is read and Assented to by this house.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

And the Petition of John Smith in Cecil County Gaol thus Indorsed Viz.

By the Upper House of Assembly 21st July 1729 p. 36

The within Petition is read and referred to the Consideration of the Lower House of Assembly.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

L. H. J. The Ingrossed bill Entituled an Act for the more Effectual Punishing of Negroes and other Slaves and for taking away the benefit of Clergy from Certain Offenders was read and Assented to by this House which said Ingrossed Bill together with the paper Bill were Sent to the Upper House by Coll° Ennalls and Mr Edmundson who return and say they Delivered the same.

Philemon Lloyd Esqr from the Upper House delivered to Mr Speaker the Bill Entituled an Act for the Laying out of Land and Erecting a Town at the head of Port Tobacco Creek in Charles County thus Indorsed Viz.

By the Upper House of Assembly 19th July 1729

Read the first time and Ordered a Second reading on Monday Morning 21st Instant.

Signed ℘ Order Jn° Ross Cl. Up. Ho.

And thus

By the Upper House of Assembly 21st July 1729.

Read a Second time and will pass.

Signed ℘ Order Jn° Ross Cl. Up. Ho.

The Paper Bill Entituled an Act for the more Effectual Punishing of Negroes and other Slaves and for taking away the benefit of Clergy from Certain Offenders thus Indorsed. Viz.

By the Upper House of Assembly 21st July 1729.

p. 37 The Ingrossed Bill whereof this is the Original is read and Assented to by this House.

Signed ℘ Order Jn° Ross Cl. Up. Ho.

The Petition of the Rector Church Wardens & Vestrymen and Parishioners of Saint Anns Parish in Ann Arundell County Indorsed thus.

By the Upper House of Assembly 21st July 1729.

The within Petition is read & recommended to the Consideration of the Lower House of Assembly.

Signed ℘ Order Jn° Ross Cl. Up. Ho.

And the following Message (Viz.) [The text of this message is printed at page 327.]

Coll° Tilghman from the Upper House delivered to Mr Speaker the Bill Entituled an Act reviving and Continuing an Act Entituled an Act Ascertaining the Gauge and Tare of Tobacco Hogsheads &c^a^ Indorsed thus. L. H. J.

By the Upper House of Assembly 19th July 1729.

Read the first time and Ordered to Lie on the Table.

Signed ꝑ Order. Jn° Ross Cl. Up. Ho.

And thus Indorsed Viz.

By the Upper House of Assembly 21st July 1729.

Read a Second time and will Pass. p. 38

Signed ꝑ Order Jn° Ross Cl. Up. Ho.

Which bill together with the Bill Entituled an Act for the Laying out of Land and Erecting a Town at the head of Port Tobacco Creek in Charles County were Severally read here and passed for Ingrossing.

M^r^ Richard Francis takes the Oath of an Attorney Prescribed by Act of Assembly at the Bar of this House

M^r^ Nicholas Lowe takes the Clients Oath at the bar of this House on his Petition Preferred here against Elizabeth Hitson Administratrix of Isaac Hitson.

On hearing the Petition of M^r^ Nicholas Lowe by M^r^ Francis his Council to the Allegations in the Petition Contained the same was Rejected.

The House Adjourns until to Morrow Morning at 8 of the Clock

Tuesday 22^d^ July 1729. July 22

The House met According to Adjournment the Members were Called and all Present as Yesterday.

The Proceedings of Yesterday were read over.

The Question being Put Whether there should be a Contribution made by the Publick to the Reparation and Enlargement of the Church in the City of Annapolis or not Resolved in the Affirmative.

The Petition of the Rector Church Wardens Vestrymen & Parishoners of S^t^ Anns Parish in Ann arundell County, Praying Leave to bring in a bill to Empower them to Assess forty thousand pounds of Tobacco on the Parishoners for the reparation and Enlargement of the Church in the City of Annapolis & for the building a Chappell of Ease in the said Parish was read & granted according to the prayer. p. 39

Ordered that the Publick be Assessed with the fourth Part of the Charge of the reparation and Enlargement of the Church in the City

L. H. J. of Annapolis Provided there be room Left for to make Convenient Pews for the Governour and Council below Stairs, if they are Inclinable to Leave the Gallery, one Pew for the Speaker, and five Large Pews for the rest of the Gentlemen of the Lower House of Assembly

Coll^o Ward from the Upper House Delivered to M^r Speaker the Bill Entituled an Act for raising a Duty of Three pence ꝑ hogshead on all Tobacco Exported out of this Province for the Uses therein Mentioned thus Indorsed Viz.

By the Upper House of Assembly 21^st July 1729.

Read the first time and Ordered to Lie on the Table.

Signed ꝑ Order Jn^o Ross Cl. Up. Ho.

And thus Indorsed (Viz.)

By the Upper House of Assembly 22^d July 1729.

Read a Second time and will Pass with the following Amendments, Viz.

That the Continuance of the said Act be for three Years

Signed ꝑ Order. Jn^o Ross Cl. Up. Ho.

The house adjourned untill 2 of the clock in the afternoon.

Tuesday at 2 of the Clock in the Afternoon.

p. 40 The House met According to Adjournment, The Members were Called and all Present that were in the Morning Except M^r Thompson.

Ordered that no Petition be received in this House after Friday next.

John Rousby Esq^r from the Upper House delivered to M^r Speaker the following Message (Viz.) [The text of this message is printed at page 328.]

p. 41 Daniel Dulany Esq^r from the Committee of Laws delivered to M^r Speaker a bill Entituled an Act for Emproving the Staple of Tobacco and for Easing the Inhabitants of this Province in the Payment of Tobacco Debts which bill was read the first time and Ordered to Lye on the Table

The Question being Put whether the Bill Entituled an Act for raising a Duty of Three Pence ꝑ Hogshead on all Tobacco Exported out of this Province for the Uses therein Mentioned should be Altered as Proposed by the Upper House or not Resolved in the Negative.

The following Message being Prepared was ordered to be Entred thus. [The text of this message is printed at page 329.] L. H. J. p. 42

And Sent to the Upper House with the Bill Entituled an Act for raising a Duty of three Pence ꝑ Hogshead on all Tobacco Exported out of this Province for the Uses therein Mentioned by Coll° Herman & Majr Turbutt who return and Say they Delivered the Same

The House Adjourns untill to Morrow Morning at 8 of the Clock

Wednesday 23d July 1729 July 23

The House met according to Adjournment. The Members were Called and all Present as Yesterday the proceedings of Yesterday were read out.

Mr Thompson absent Yesterday in the Afternoon Appears in the House this Day.

Mr George from the Committee of Laws Delivered to Mr Speaker the Ingrossed Bill Entituled an Act reviving and Containing an Act Entituled an Act ascertaining the Gauge and Tare of Tobacco Hogsheads and to Prevent Cropping Cutting and defacing Tobacco taken on board Ships and Vessells upon freight and for laying Impositions on Tobacco ꝑ hogshead for the Support of Government and for the Encouraging Settlements in this Province by Ascertaining the manner of Paying his Lordships Alienation fines and Quit Rents for the term therein Proposed and for the taking of the three Pence ꝑ hogshead formerly raised for the Publick Charge, And the Ingrossed bill Entituled an Act for the Laying out of Land and Erecting a Town at the head of Port Tobacco Creek in Charles County p. 43 which Bills were severally read and Assented to by this House and sent to the Upper House with the paper bills thereof by Mr George and Mr Young Who return and say they Delivered the same

Mr George Delivered to Mr Speaker a Bill Entituled an Act for Erecting a Town on the North Side of Potapsco in Baltemore County and for laying out in Lots Sixty Acres of Land in and about the Place where one John Fleming now Lives which said Bill was read the first and Second time by an Especial Order and Passed and Sent to the Upper House by Mr Matthews and Mr Scott who return and say they Delivered the same.

The Question being put whether an Agent should be Appointed to Transact the Affairs of this Province in England or not Resolved in the Affirmative.

The following Message was Prepared & Entred thus [The text of this message is printed at page 330.]

And Sent to the Upper House by Majr Hanson and Coll° Ennalls, Who return and say they Delivered the same

L. H. J. Benjamin Tasker Esq^r from the Upper House Delivered to M^r Speaker the Bill Entituled an Act to Prevent the untimely Killing p. 44 of Deer thus Indorsed Viz.

By the Upper House of Assembly 23^d July 1729

Read and will not Pass

Signed ℘ Order Jn° Ross Cl. Up. Ho.

And the following Message Viz. [The text of this message is printed at page 330.]

Collo. Rider from the Upper House Delivered to Mr. Speaker a Report from the Commissioners appointed to regulate and divide the Parishes of St. Marys and Charles Countys thus Indorsed. [The text of this endorsement is printed at page 331.]

p. 45 The House Adjourns untill 2 of the Clock in the Afternoon

Wednesday at 2 of the Clock in the Afternoon

The House met According to Adjournment

p. 46 The Members were Called and all Present as in the Morning

A Bill Entituled an Act to Confirm A Deed of bargain and Sale from Stephen Yoakley to Thomas Colmore was read the first and Second time by an Especial order and Passed and Sent to the Upper House by M^r Crabb and Coll° Belt who return and say they Delivered the same.

The Question being put whether the Report of the Commissioners Concerning the Division and Regulation of the Parishes between S^t Marys and Charles Countys should be Confirmed or not. Resolved in the Affirmative.

Daniel Dulany Esq^r brought in a Report agreed to by the Conferrees Appointed to Settle a friendly Correspondence with the Gentlemen of Virginia And read the same in his place which Report was as followeth Viz. [The text of this report is printed at page 332.]

p. 47 Which said Report was Unanimously approved of by this House.

Edmund Jennings Esq^r from the Committee of Laws Delivered to M^r Speaker a bill Entituled an Act to make and Emit twenty four thousand Pounds Current Mony of Maryland in Bills of Credit and for Easing the Inhabitants of this Province in the payment of Tobacco Debts and to raise a fund to sink the said Bills of Credit and Also to Encourage the Importation of Gold and Silver into this Province.

On reading the said Bill the Question was Put whether the said Bill should be Committed for Amendments or not. Resolved in the Affirmative.

Daniel Dulany Esqr Delivered to Mr Speaker the Bill Entituled an Act for the Releif of Creditors and to Prevent frauds and Deceipts Occasioned by Secret Sales Mortgages and Gifts of Goods and Chattles which had been Committed for Amendments. Which bill was read with the Amendments the first time and Ordered to lye on the Table. L. H. J. p. 48

Resolved that a Bill be brought in to Encourage the Importation of Gold and Silver into this Province

The Question being Put whether another Bill should be brought in to Amend the Act concerning Ingrossers and Regrators or not Resolved in the Affirmative.

Ordered that the Committee of Laws do prepare a bill Accordingly.

The House Adjourns untill to Morrow Morning at 8 of the Clock.

Thursday July the 24th 1729

July 24

The House met according to Adjournment. The Members were Called and all Present as yesterday. The Proceedings of Yesterday were read over.

On reading the Petition of the Vestry and freeholders of the Parish of St Luke in Queen Anns County the following Question was Put Viz. Whether St Pauls Parish in Queen Anns County should Contribute to the Charge of building a Church in St Lukes parish or not Resolved in the Affirmative.

Ordered that all the Parishioners of St Pauls Parish in Queen Anns County, be Taxed ten ꝑ Poll to be raised in the next Levy, and ten ꝑ Poll the Year next After, to defray the Charge of building a Church in St Lukes parish in the said County; And that the Parishoners of St. Lukes Parish be taxed with Ten ꝑ Poll yearly, p. 49 untill they have raised Tobacco Sufficient to Compleat the said Church.

Ordered that James Hollyday Esqr and Mr Thompson do prepare a Bill accordingly.

Mr Bartholomew Ennalls take the Clients Oath Prescribed by Act of Assembly at the bar of this House to a Petition preferred against him by William Dorington of Dorchester County.

The Petition of William Dorington of Dorchester County a Minor Preferred by Mr John Brannock his Guardian Coming on to be heard at the Bar of this House Collo William Ennalls a Member of this House & Relation to Mr Bartholomew Ennalls (Complained of in the said Petition) withdrew himself.

The following Indorsment is ordered to be made on the said Petition Viz.

L. H. J. This House having Weighed as well the Allegations in the said Petition Contained Urged by Mr Brannock Guardian to the Petitioner as the Defence made by Mr Beckingham Council for Mr Bartholomew Ennalls do Unanimously reject the said Petition.

The House Adjourns untill 2 of the Clock in the Afternoon

Thursday at 2 of the Clock in the Afternoon.

The House met according to Adjournment

The Members were Called over and all Present as in the Morning

It being represented by a Member of this House that Philemon Lloyd Esqr hath taken upon him in an Arbitary manner to hear and Determine Divers Disputes & Controversys Concerning the Lands Tenements & Hereditaments of Several of his Majestys Subjects.

p. 50 The Question being thereupon Put whether the Proceedings of the said Philemon Lloyd should be Enquired into or not. Resolved in the Affirmative Nemine Contradicente.

The following Message Viz. [The text of this message is printed at page 333.]

Was Sent to the Upper House by Mr Gordon and Mr Robert Hanson Who return and Say they Delivered the Same.

In Pursuance of an Order of this House in Relation to the Clerks Attending at the Bar here with the Several Books required of them they Attended Accordingly

The House Adjourns untill to Morrow Morning at 8 of the Clock.

July 25 Friday July the 25th 1729

The House met according to Adjournment.

The Members were Called and all Present as Yesterday. The Proceedings of Yesterday were read over.

Edmund Jennings Esqr from the Committee of Laws Delivered to Mr Speaker a bill Entituled an Act for the further Assessment
p. 51 of forty thousand Pounds of Tobacco on the Inhabitants of St Anns Parish in Ann arundell County towards enlarging & repairing the Church in the City of Annapolis and building a Chapple of Ease in the said Parish and for the Payment of a fourth Part of the Charge by a Publick Assessment on the whole Province for the Enlargement & Reparation of the said Church

Which said Bill was read the first and second time by an Especial Order and Passed & Sent to the Upper House by Mr Beale and Mr Wharfeild who return and say they delivered the same.

James Harris Esqr from the Committee of Laws delivered to Mr Speaker a Bill Entituled an Act empowering and Directing the Justices of the Several Countys within this Province to Levy a Quantity of Tobacco not Exceeding Ten pounds ꝑ Poll on the Taxable persons of any Parish in Each of their Respective Countys on Application to them made by the Vestry and Church Wardens of Any Parish, Which Bill was read the first time and Ordered to Lye on the Table. L. H. J.

John Hall Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act to Confirm a Deed of Bargain and Sale from Stephen Yoakley to Thomas Colmare Indorsed thus

By the Upper House of Assembly 25th July 1729.

Read the first and Second time by an Especial order and will Pass.
Signed ꝑ Order Jn^o Ross Cl. Up. Ho.

Which Bill was read here and Passed for Ingrossing.

The Petition of M^r Henry Wharton of S^t Mary's County was read and Granted according to the Prayer thereof.

Coll^o Tilghman from the Upper House delivered to M^r Speaker the Bill Entituled an Act for Erecting a Town on the North Side of Potapsco in Baltemore County &c. Indorsed thus. p. 52

By the Upper House of Assembly 23rd July 1729

Read the first time and Ordered to Lye on the Table
Signed ꝑ Order Jn^o Ross Cl. Up. Ho.

And thus Indorsed Viz. [The text of this endorsement is printed at page 334.]

On the Representation of John Unit a Person set Levy free being a housekeeper and planter who has planted Tobacco Plants that the Tellers Conceive he is not Entituled to any Allowance And therefore have Given him Notice to Cut these Plants up.

And the Question being Put whether Such persons are by the Tobacco Law Excluded from tending Tobacco it is resolved Nemine Contradicente that Such persons are not excluded from tending tobacco.

The House adjourns untill 2 of the Clock in the Afternoon.

Friday at 2 of the Clock in the Afternoon.

The House met According to Adjournment, The Members were Called and all Present as in the Morning.

The House Unanimously resolve to proceed on no other Business this Session than what is now in Consideration.

The Petition of Hannah Maxwell Widow of Baltemore County was read and referred untill Next Session And ordered that all Persons Concerned have Notice. p. 53

L. H. J. John Rousby Esqr from the Upper House Delivered to Mr Speaker the paper Bill Entituled an Act reviving and Continuing an Act Entituled an Act ascertaining the Gauge and Tare of Tobacco Hogsheads &c. Thus Indorsed Viz.

By the Upper House of Assembly 23d July 1729

The Ingrossed Bill whereof this is the originall is read and Assented to.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

The Paper Bill Entituled an Act for the Laying out of Land and Erecting a Town at the head of Port Tobacco Creek in Charles County Indorsed thus.

By the Upper House of Assembly 25th July 1729

The Ingrossed bill whereof this is the Originall is read & Assented to.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

And the following Message Viz. [The text of this message is printed at page 335.]

p. 54 Benjamin Tasker Esqr from the Upper House delivered to Mr Speaker the following Message Viz. [The text of this message is printed at page 335.]

Phillip Lee Esqr from the Upper House delivered to Mr Speaker the Petition of Richard Bennett Esqr of Queen Anns County Indorsed thus.

By the Upper House of Assembly 25th July 1729

The within Petition is read and referr'd to the Consideration of the Lower House of Assembly

Signed ꝑ Order Jno Ross Cl. Up. Ho.

The Petition of Richard Bennett Esqr was read here and granted

The Bill Entituled an Act for Emproving the Staple of Tobacco &c. was read the Second time and Passed

The House Adjourns untill to Morrow Morning at 8 of the Clock.

July 26 Saturday July the 26th 1729

The House met According to Adjournment. The Members were Called and all Present as Yesterday except Capt Blackistone

The Proceedings of Yesterday were read over

Collº Rider from the Upper House delivered to Mr Speaker a Bill Entituled an Act for the Preservation of the breed of Wild Deer. Indorsed thus L. H. J. p. 55

By the Uppr House of Assembly 25th July 1729.

Read the first time and ordered to lye on the Table.

Signed ꝑ order. J. Ross Cl: Up. Ho.

And thus

By the Uppr House of Assembly 26th July 1729.

Read a second time and will pass.

Sign'd ꝑ order. John Ross Cl. Up. ho.

The Bill Entituled an Act empowering and directing the Justices of the Several Counties within this province to Levy any Quantity of Tobº not Exceeding ten pounds ꝑ poll on the Taxable persons of any Parish in Each of their respective Counties on Application to them made by the Vestry & Church Wardens of any Parish.

And the Bill Entituled an Act for the Releif of Creditors and to Prevent frauds and Deceipts Occasioned by Secret Sales Mortgages and Gifts of Goods & Chattles were Severally read a Second time and Passed and Sent to the Upper House by Mr Dashields and Mr Thompson Who return and say they Delivered the same.

The Bill Entituled an Act for the Preservation of the breed of Wild Deer Sent here from the Upper House being read was ordered to be thus Indorsed (Viz.) [The text of this endorsement is printed at page 337.]

The said bill was Sent to the Upper House by Major King and Mr Johnson, Who return and Say they Delivered the same.

Edmund Jennings Esqr from the Committee of Laws Delivered to Mr Speaker A Bill Entituled an Act against forestallers and Ingrossers which was read the first time and Ordered to Lye on the Table. p. 56

The Bill Entituled an Act for emproving the Staple of Tobacco &ca was Sent to the Upper House by Messrs Beale and Waughop who return and say they Delivered the same.

The House Adjourns untill 2 of the Clock in the Afternoon

Saturday at 2 of the Clock in the Afternoon.

The House met according to Adjournment. The Members were Called and all Present as in the Morning.

The Question being Put whether the bill against forestallers and Ingrossers should be thrown out or not Resolved in the Affirmative

L. H. J. The Question being Put whether the Act against Ingrossers & Regrators should be revised and the Onus Probandi lye on the Person Accused or not Resolved in the Affirmative.

Ordered that Mr Jennings Mr Hanson and Mr Key Prepare a bill accordingly.

The Bill for Erecting a Town on the North Side of Potapsco River was read With the Amendments Proposed by the Upper House and Passed for Ingrossing.

Mr Magruder Mr Crabb and Collo Belt have Leave to be Absent untill Monday.

Capn Elliot hath Leave to be Absent untill Monday

Edmund Jennings Esqr from the Committee of Laws brought in the Bill Entituled an Act to make and Emit Twenty four thousand Pounds Current Mony of Maryland &ca which had been Committed for Amendments.

p. 57 John Hall Esqr from the Upper House Delivered to Mr Speaker the bill Entituled an Act for the better Administration of Justice in Testamentary Affairs &ca with the following Indorsement Viz.

By the Upper House of Assembly 19th July 1729

Read the first time and ordered to Lye on the Table.

Signed ꝑ Order. Jno Ross Cl. Up. Ho.

And with this Indorsement Viz. [This endorsement is printed at page 337.]

p. 59 Edmund Jennings Esqr from the Committee of Laws Delivered to Mr Speaker a bill Entituled an Act against Ingrossors and Regrators which was read the first time and ordered to Lie on the Table.

The House Adjourns untill Monday Morning at 8 of the Clock

July 28

Monday July the 28th 1729

The House met according to Adjournment. The Members were Called over and all Present as on Saturday except Mr Crabb. The Proceedings of Saturday were read over.

Capn Blackistone who was absent for sometime appeared in the House this Day.

The Question being Put whether this House should Address the Governor, Jointly with the Upper House concerning the Settleing a freindly Correspondence with the Gentlemen of Virginia or Separately. Resolved that the Address be jointly.

Ordered that Mr Dulany Collo Gale Mr Jennings and Mr Samuel Hanson do join such Members as shall be Appointed by the Upper House to Prepare the Address.

The following Message being Prepared was ordered to be Entred thus. [The text of this message is printed at page 339.] L. H. J.

And was Sent to the Upper House by Coll° Gale Mr Jennings and Mr Hanson Who return and say they Delivered the Same. p. 60

The Bill Entituled an Act to make and Emit twenty four thousand Pounds Current Mony &c was read the first time & Ordered to Lie on the Table.

Edmund Jennings Esqr from the Committee of Laws Delivered to Mr Speaker a bill Entituled an Act to Encourage the Importation of Gold and Silver into this Province.

The Bill Entituled an Act for the better Administration of Justice in Testamentary Affairs &c coming under Consideration of the House this Day and the Message sent with it wherein Amendments were proposed to the said Bill it was Resolved that none of the Amendments proposed by the Upper House in their said Message to the said Bill made Except the 9th 13th and 14th

Phillip Lee Esqr from the Upper House Delivered to Mr Speaker the Bill Entituled an Act for the Releif of Creditors and to Prevent frauds and Deceipts Occasioned by Secret Sales &c. thus Indorsed Viz.

By the Upper House of Assembly 26th July 1729 p. 61

Read the first time and ordered to Lie on the Table.

Signed ꝑ Order. Jn° Ross Cl. Up. Ho.

And thus.

By the Upper House of Assembly 28 July 1729

Read a Second time and will Pass.

Signed ꝑ Order Jn° Ross Cl. Up. Ho.

The House Adjourns untill two of the Clock in the Afternoon

Monday at 2 of the Clock in the Afternoon

The House met according to Adjournment the Members were Called over and all Present as in the Morning Except Coll° Herman

The Bill Entituled an Act for the releif of Creditors and to Prevent frauds & Deceipts occasioned by Secret Sales &ca was read and Passed for Ingrossing

Phillemon Lloyd Esqr from the Upper House delivered to Mr Speaker the following Message Viz. [The text of this message is printed at page 340.]

L. H. J. Mr Hollyday and Mr Thompson deliver to Mr Speaker a Bill Entituled an Act for the Assessment of Ten ꝑ Poll on the Taxable persons in St Pauls Parish in Queen Anns County the next Levy and Ten ꝑ Poll the ensuing also for the Assessing ten ꝑ Poll Yearly p. 62 on the Taxable Persons in St Lukes Parish in Queen Anns County untill they shall have raised Sufficient to Compleat a Church in the said Parish which bill was read the first and second time by an Especial Order and Passed and Sent to the Upper House by Majr Turbutt & Mr Thompson.

Who return and say they Delivered the Same.

The Bill Entituled an Act to Encourage the Importation of Gold and Silver into this province was read the first and Second time by an Especial Order and Passed and sent to the Upper House by James Hollyday Esqr and Collo Ennalls, Who return & say they Delivered the same.

Mr Key from the Committee of Laws Delivered to Mr Speaker a bill Entituled an Act concerning the Parishes in Saint Mary's and Charles Counties which Bill was read the first and Second time by an Especial Order and Passed.

And Sent to the Upper House by Mr Key and Mr Courts Who return and say they Delivered the Same.

Mr Edward Sprigg a Member returned to Serve for Prince Georges County in the room of Majr Samuel Perrie deceased Appeared in the House this Day.

Collo Belt and Mr Magruder were ordered to go to the Upper House with Mr Sprigg to see him Qualified, they return and Say they saw the same done Whereupon Mr Sprigg took his place In the House.

John Hall Esqr from the Upper House delivered to Mr Speaker the bill Entituled an Act for the further Assessment of forty thousand Pounds of Tobacco on the Inhabitants of Saint Anns Parish in Ann Arundell County &ca thus Indorsed Viz.

By the Upper House of Assembly 25th July 1729

Read the first time and ordered to Lie on the Table

Signed ꝑ Order Jno Ross Cl. Up. Ho.

p. 63 And thus.

By the Upper House of Assembly 28th July 1729

Read the Second time and will Pass the Sherriff being Allowed five ꝑ Cent without Deduction for Collecting the within Quantity of Tobacco.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

The Petition of Several free holders of Cecil County praying Leave to bring in a bill to Erect a Town on the South side of Bohemia River at a Place Called Brazons Point was read & referr'd untill Next Sessions of Assembly and ordered that all Persons Concerned have due notice. L. H. J.

The House Adjourns till to Morrow Morning at 8 of the Clock

Tuesday July the 29th 1729. July 29

The House met according to Adjournment. The Members were Called over and all Present as Yesterday The Proceedings of Yesterday were read.

Mr Crabb and Collo Herman Appear'd in the House this day Capn Blackistone being Sick hath Leave from the House to go home.

Philemon Lloyd Esqr from the Upper House delivered to Mr Speaker the Bill Entituled an Act empowering and Directing the Justices of the Several Counties within this Province to Levy any Quantity of Tobacco not Exceeding Ten Pounds ꝑ Poll &c. thus Endorsed Viz.

By the Upper House of Assembly 26th July 1729

Read the first time and ordered to Lie on the Table.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

And thus Indorsed Viz. [The text of this endorsement is printed at page 342.] p. 64

The Question being Put whether there should be an Imposition of five Shillings ꝑ Poll laid on all Negroes to raise a fund to Sink the Paper Bills or not. Resolved in the Negative. The Question being Put whether the Commrs appointed by the Paper Bill should have thirty or forty Pounds ꝑ Annum.

Resolved that they have thirty.

The Question being Put whether the Navall Officers should be Allowed five Pounds or Eight Pounds ꝑ Cent for all monys received by Virtue of the Paper Act Resolved that they be Allowed five ꝑ Cent.

The Question being Put whether the Clerk Mentioned in the Said Act should be Allowed forty or fifty Pounds ꝑ Annum. Resolved that he be Allowed forty Pound ꝑ Annum.

The Question being Put whether there should be an Amendment made to that Part of the Paper Currency Bill where a Provision is made Against Depreciating the Credit of the said Bills or not. Resolved in the Affirmative.

The House Adjourns untill 2 of the Clock in the Afternoon.

L. H. J. Tuesday at 2 of the Clock in the Afternoon

The House met according to Adjournment. the Members were Called and all Present as in the Morning

p. 65 The Question being Put whether the Bill Entituled an Act to make and Emit twenty four thousand Pounds Current Money of Maryland in Bills &c. should Pass or not. Resolved in the Affirmative.

Which said Bill was accordingly passed and Sent to the Upper House by Mess^rs^ James Harris John Beale and Thomas Worthington who return and Say they Delivered the same.

The following Message being Prepared was Ordered to be Entred thus. [The text of this message is printed at page 342.]

p. 71 And was Sent together with the Bill Entituled an Act for the better Administration of Justice in Testamentary Affairs &c. to the Upper House by M^r^ Crabb Coll^o^ Ennalls Maj^r^ Turbutt M^r^ Courts M^r^ Worthington and M^r^ Sprigg, Who return and Say they Delivered the same

The House Agreeth to Proceed into the Examination of the Proceedings of Philemon Lloyd Esq^r^ in Land Affairs, to Morrow in the Afternoon.

The Bill Entituled an Act Empowering and Directing the Justices of the Several Countys within this Province to Levy any Quantity of Tobacco &c. was read with the Amendments proposed and Passed for Ingrossing.

The Bill Entituled an Act for the further Assessment of forty Thousand Pounds of Tobacco on the Inhabitants of S^t^ Anns Parish in Ann Arundell County &c. and read and with the Amendments proposed passed for Ingrossing.

The Ingrossed bill Entituled an Act for the Releif of Creditors and to Prevent frauds and Deceipts &c. was read and Assented to by this House and sent to the Upper House with the paper Bill thereof by Edmund Jennings Esq^r^ and Major Turbutt Who return and Say they Delivered the same.

p. 72 M^r^ George from the Committee of Laws delivered to M^r^ Speaker the Ingrossed Bill, Entituled an Act Empowering and Directing the Justices of the Several Countys within this Province to Levy any Quantity of Tobacco &c. which was read and Assented to by this House and Sent to the Upper House with the paper bill thereof by Maj^r^ King and M^r^ Chamberlain, Who return and Say they Delivered the same.

M^r^ George from the Committee of Laws Delivered to M^r^ Speaker a Bill, Entituled, an Act for the Assessment of so much Tobacco on the Inhabitants of All hallows parish in Ann arundell County as will build them a new parish Church which was read the first and Second time, by an Especial order and Passed, And Sent to the

Upper House by M^r^ Beale and M^r^ Worthington, Who return and Say they Delivered the same. Coll^o^ Belt from the Committee of Aggreivances and Courts of Justice Delivered to M^r^ Speaker the following Report Viz. L. H. J.

By the Committee of Aggreivances July the 29th 1729

Its Humbly Offered to this Committee as an Aggreivance that the Justices of Talbot and Cecil County Courts did not Qualify themselves by takeing the Oath of Judge or Justice according to the form Mentioned in an Act of Assembly, Entituled an Act for Ascertaining the form of the Oath of Judge or Justice within the time Directed by that Act to be taken; all which is referred by Your Committee to the Consideration of the House.

Signed ℘ Order Nic. Hammond Cl:

Coll^o^ Tilghman from the Upper House Delivered to M^r^ Speaker the following Message Viz. [The text of this message is printed at page 346.]

The House Adjourns untill to Morrow Morning at 8 of the Clock p. 73

Wednesday July the 30th 1729. July 30

The House met according to Adjournment. The Members were Called and all Present as Yesterday. The Proceedings of Yesterday were read over.

The Question being Put whether the bill Entituled an Act against Ingrossers and Regrators should Pass or not Resolved in the Affirmative. p. 74

The said Bill was Accordingly Indorsed and Sent to the Upper House by M^r^ Beale and M^r^ Matthews who return and say they Delivered the same.

Daniel Dulany Esq^r^ from the Committee of Laws delivered to M^r^ Speaker a bill Entituled an Act to Ascertain the fees of Attorny's and other Persons practising the Law and to Prevent Extortion frauds and Abuses therein, Which being read the first time the Question was Put whether the said Bill should have a Second reading or not Resolved in the Affirmative.

The Question being Put whether the Attornys on Criminal Prosecutions in the County Courts should be Allowed 200^lb^ or 400^lb^ of tobacco for a fee. Resolved that they be Allowed 200^lb^ Tobacco.

This House taking into Consideration the Act of Assembly Entituled an Act to restrain the ill Practices of Attornys &c. Resolved on the following Alterations.

1st That the Title and Preamble of the said Law be entirely Altered.

L. H. J. 2d That that Part of the Act which relates to the ballance sued for in the County Court exceeding ten Pounds Sterling or Two thousand pounds of Tobacco be Altered.

The Question being Put whether the fees in the Provincial Court should be Altered or not Resolved in the Affirmative.

p. 75 Resolved that the fees allowed in the Provincial Court be 200lb of Tobacco if the Cause be at the Appearance Court.

The Question being put whether the fees in the Provincial Court should be 500lb or 600lb of tobacco when an Imparlance Prayed Resolved that they be 500lb of Tobacco.

The Question being put whether the fees in the Court of Chancery be Altered or not Resolved in the Affirmative.

Resolved that on all Writs of ad quod Damnum the Attorny's fee be 200lb of Tobacco.

Benjamin Tasker Esqr from the Upper House delivered to Mr Speaker the Paper Bill Entituled an Act Empowering and Directing the Justices of the Several Countys within this province to Levy any Quantity of Tobacco not Exceeding Ten pounds ꝑ Poll on the Taxable persons of any Parish in Each of their Respective Countys on Application to them made by the Vestry and Church Wardens of any Parish and the Paper Bill Entituled an Act for the Releif of Creditors and to Prevent frauds and Deceipts occasioned by Secret Sales Mortgages and Gifts of Goods and Chattles Severally Indorsed thus.

By the Upper House of Assembly 30th July 1729

The Engrossed bill whereof this is the Original is read and Assented to.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

And the Bill Entituled an Act for the Assessment of so much p. 76 Tobacco on the Inhabitants of All hallows Parish in Ann arundell County as will build them a New Parish Church Indorsed thus.

By the Upper House of Assembly 29th July 1729

Read the first time and Ordered to Lye on the Table.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

And thus

By the Upper House of Assembly 30th July 1729.

Read a Second time and will Pass.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

Resolved that where there are no further Proceedings than on hearing a Bill and Answer in Chancery the fee be 600ᵗᵇ Tobacco L. H. J.

The Question being Put whether in Cases in Chancery where Commissions are Issued the fee be 1000ᵗᵇ or 800ᵗᵇ of Tobacco. Resolved that the fee be 800ᵗᵇ

Resolved that the fee in the Commissarys Court be not Altered Resolved that the fee in the Court of Appeals be not Altered.

Resolved that the fee in the Court of Vice Admiralty for Seamens Wages be 600ᵗᵇ of Tobacco.

The Question being Put whether in Cases of Seizures of Ships the fee in the Court of Vice Admiralty be 800ᵗᵇ or 1000ᵗᵇ of tob° Resolved that the fee be 1000ᵗᵇ of Tobacco.

Resolved that the fee before the Assembly be not Altered

Resolved that the Attorney General's fee be not Altered.

Resolved that that Part of the Law, which Enacts that no Attorny shall Plead untill he takes the Oath Prescribed by that Act, be not Altered.

Resolved that no Part of the Oath of an Attorny in the said Act p. 77 prescribed be Altered, only the Title of the Act therein Mentioned.

Resolved that the Oath of Plantiff and Defendant be not Altered otherwise than the title of the said Act.

The House Adjourns untill 2 of the Clock in the Afternoon

Wednesday at 2 of the Clock in the Afternoon

The House met according to Adjournment. The Members were Called over and all Present as in the Morning

The Bill Entituled an Act for the Assessment of so much Tobacco on the Inhabitants of All hallows Parish in Ann arundell County as will build them a New Parish Church was Read and Passed for Ingrossing.

The Ingrossed Bill Entituled an Act to Confirm a Deed of bargain and Sale from Stephen Yoakely to Thomas Colmore.

The Ingrossed Bill Entituled an Act for the further Assessment of forty Thousand Pounds of Tobacco on the Inhabitants of Sᵗ Anns Parish in Ann arundell County towards Enlargeing and repairing the Church in the City of Annapolis &c.

And the Ingrossed Bill Entituled an Act for Erecting a Town on the North Side of Potapsco in Baltemore County and for Laying out in Lots Sixty Acres of Land in and about the Place where one John Flemming now Lives were Severally read and Assented to by p. 78 this House.

The Question being Put whether the House should Resolve it Self into a Grand Committee to Examine into Certain facts Alledged

L. H. J. against Philemon Lloyd Esqr or not the same was Carried in the Affirmative.

Resolved that the Committee be Empowered to Send for all Papers Records and Persons Necessary to give a Light into the Affair

The whole House Resolved it Self into a Grand Committee

Mr Speaker Left the Chair.

Whereupon the Committee Proceeded to Choose a Chairman and unanimously make Choice of James Harris Esqr as Chairman who took his Place in Pursuance thereof.

The Committee Proceeded to Choose a Clerk and Appoint Mr Michael Macnemara.

Mr Speaker reassumed the Chair

James Harris Esqr from the Committee of the Whole House Delivers to Mr Speaker the following Report Viz.

By the Committee of the Whole House July 30th 1729

It Appears to this Committee that Philemon Lloyd Esqr hath taken upon him, upon Petition and Entry of Caveats to hear and Determine Several Controversys in the Land Office Concerning the Granting of Patents for Land Claimed by Several of the Inhabitants of this Province and that when a Person hath obtained a Warrant p. 79 out of the Land Office Paid his Lordship the Right Honble the Lord Proprietarys Dues and all other fees and Dues that have Arose due in the Land Office for Issueing Warrants if any Person think fit to Enter a Caveat in the Land Office against Granting a Patent, that a Patent is Stay'd by such Caveat untill the Parties are heard before the said Philemon Lloyd Esqr unless the same is withdrawn or the Party Entering the same Neglects upon Summons or Notice to Appear thereto.

It Appears that the Lord Proprietary during his residence in this Province Exercised the Power of Granting Lands in the Same Manner as Mr Lloyd Appears to us to have done

It also Appears to this Committee that Several Persons Viz. Collo Henry Darnall Collo Wm Diggs Majr Nicholas Sewall and Mr John Darnall were in the Year 1684 Appointed by Commission of the Lord Proprietary to hear and Determine Concerning Land Affairs, And they by Virtue thereof Exercised a Power of Granting or Denying Patents on Petitions It Also Appears to this Committee that Collo Darnall was Appointed as Agent for his Lordship in his Land Affairs About the years 1687 and 1688.

It also Appears to the Committee that Charles Carroll Esqr Deceased was Appointed his Lordships Agent in Land Affairs about the Years 1710 or 1711.

It Appears also to this Committee that Mr Darnall and Mr Carroll Exercised the same Power as Philemon Lloyd Esqr Now does and that both Mr Darnall and Mr Carroll should Say that no Appeal lay from their Decisions. L. H. J. p. 80

It Appears also that Mr Lloyd should say that no Appeal lay from his Judgment in Land Affairs.

Which Report is humbly Submitted by this Committee to the Consideration of the House

Signed ꝑ order. M. Macnemara Cl. Com.

Which Report being read the Question was put whether the House should make any further Enquiry on the Subject Matter of the said Report or not, Resolved in the Negative.

Collo Tilghman and Phillip Lee Esqr from the Upper House delivered to Mr Speaker the bill Entituled an Act for the better Administration of Justice in Testamentary Affairs &ca

And the following Message Viz. [The text of this message is printed at page 348.]

John Hall and Benjamin Tasker Esqr from the Upper House Delivered to Mr Speaker the Bill Entituled an Act for Emproving the Staple of Tobacco &c. thus Indorsed Viz. p. 81

By the Upper House of Assembly 28th July 1729

Read the first time and ordered to Lye on the Table

Signed ꝑ Order Jno Ross Cl. Up. Ho.

And thus Indorsed Viz.

By the Upper House of Assembly 30th July 1729.

Read and will not Pass

Signed ꝑ Order Jno Ross Cl. Up. Ho.

And The following Message Viz. [The text of this bill is printed at page 349.]

The House Adjourns untill to Morrow Morning at 8 of the Clock p. 83

Thursday July the 31st 1729 July 31

The House met according to Adjournment. The Members were Called and all Present as Yesterday except Mr Kirk

The Proceedings of Yesterday were read over

The Question being put whether there should be a Short bill prepared according to the Amendments Proposed by the Upper House to the bill Entituled an Act for the better Administration of p. 84

L. H. J. Justice in Testamentary Affairs &c or that the bill to which the Amendments were proposed should be passed with the Amendments Resolved that a New bill be Prepared.

Ordered that Mr Dulany Mr Jennings and Mr Beale do prepare the said Bill.

The Ingrossed Bill Entituled an Act to Confirm a Deed of Bargain and Sale from Stephen Yoakley to Thomas Colmore.

The Ingrossed Bill Entituled an Act for the further Assessment of forty Thousand Pounds of Tobacco on the Inhabitants of St Anns Parish in Ann arundell County towards Enlarging and repairing the Church in the City of Annapolis &c. And the Ingrossed bill Entituled an Act for Erecting a Town on the North Side of Potapsco in Baltemore County &c. together with the Paper Bills were Sent to the Upper House by Mr Dashields and Mr Hemsley who return and Say they Delivered the Same.

Collo Rider from the Upper House delivered to Mr Speaker the bill Entituled an Act for the Assessment of ten ꝑ poll on the Taxable Persons in Saint Pauls parish in Queen Anns and Talbot Countys the next Levy &c. with the following Indorsment Viz.

By the Upper House of Assembly 28th July 1729

Read the first time and ordered to Lye on the Table

Signed ꝑ Order Jno Ross Cl. Up. Ho.

p. 85 And thus Indorsed Viz.

By the Upper House of Assembly 31st July 1729

Read a Second time and will Pass.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

Which said Bill was read here and Passed for Ingrossing.

The Ingrossed bill Entituled an Act for the Assessment of so much Tobacco on the Inhabitants of Allhallows Parish in Ann Arundell County as will build them a New Parish Church was read and Assented to by this House and Sent to the Upper House with the Paper bill thereof by Mr Wharfeild and Mr Worthington who return and say they Delivered the Same.

Collo Herman from the Committee of Elections & Priviledges Delivered to Mr Speaker the following Report Viz.

By the Committee of Elections & Priviledges 31st July 1729.

We of the Committee having Examined the Indentures of Collo William Ennalls a Delegate returned to Serve this Sessions for Dorchester County do find him duly Elected.

We have also Examined the Indentures of Capt Edward Sprigg a Delegate returned this Sessions for Prince Georges County and find him Duly Elected. L. H. J.

All which we humbly Submit to the Consideration of the House
Signed ꝑ Order John Gibson Cl. Com.

Which said Report being read was approved of by the House

Mr Magruder from the Committee of Laws delivered to Mr Speaker a bill Entituled an Act to Asscertain the fees of Attornys and other Persons Practiseing the Law and to Prevent Extortion frauds and Abuses therein. p. 86

John Hall Esqr from the Upper House delivered to Mr Speaker the Paper bill Entituled an Act for the preservation of the breed of Wild Deer Indorsed thus.

By the Upper House of Assembly 29th July 1729

Read and Passed for Ingrossing with the Amendments Proposed.
Signed ꝑ Order Jno Ross Cl. Up. Ho.

And the Ingrossed bill Entituled as aforesaid thus Indorsed viz.

31st July 1729

Read and Assented to by the Upper House of Assembly
Signed ꝑ Order Jno Ross Cl. Up. Ho.

Philemon Lloyd Esqr from the Upper House delivered to Mr Speaker the bill Entituled an Act concerning the Parishes in St Marys and Charles Countys thus Indorsed Viz.

By the Upper House of Assembly 28th July 1729

Read the first time and Ordered to Lye on the Table
Signed ꝑ Order Jno Ross Cl. Up. Ho.

And thus Indorsed Viz.

By the Upper House of Assembly 31st July 1729.

Read a Second time and will Pass.
Signed ꝑ Order Jno Ross Cl. Up. Ho.

The Paper Bill Entituled an Act for erecting a Town on the North Side of Potapsco in Baltemore County &ca p. 87

L. H. J. p. 87 The Paper bill Entituled an Act for the Assessment of so much Tobacco on the Inhabitants of Allhallows Parish in Ann arundell County as will build them a New Parish Church

The Paper Bill Entituled an Act to Confirm a Deed of bargain and Sale from Stephen Yoakley to Thomas Colmore And the Paper bill Entituled An Act for the further Assessment of forty Thousand Pounds of Tobacco on the Inhabitants of S^t^ Anns Parish in Ann Arundell County towards Enlarging & Repairing the Church in the City of Annapolis &c. Severally thus Indorsed Viz.

By the Upper House of Assembly 31^st^ July 1729.

The Engrossed bill whereof this is the original is read and Assented to.

Signed ꝑ Order Jn^o^ Ross Cl. Up. Ho.

M^r^ George from the Committee of Laws delivered to M^r^ Speaker a bill Entituled an Act to aid the Proceedings of Some of the County Courts within this Province.

The Paper bill Entituled An Act for the Preservation of the breed of Wild Deer Indorsed thus.

By the Lower House of Assembly July the 31^st^ 1729

The Engrossed bill whereof this is the Original is read & Assented to.

Signed ꝑ Order M: Macnemara Cl. Lo. Ho.

Was Sent to the Upper House by Cap^n^ Elliot and M^r^ Thompson Who return and Say they Delivered the same.

The Bill Entituled an Act Concerning the Parishes in S^t^ Marys and Charles Countys was read & Passed for Ingrossing

p. 88 M^r^ George from the Committee of Laws delivered to M^r^ Speaker a bill Entituled an Act to Prevent rigorous Prosecutions on Sherriffs Testamentary Administration and Deputy Commissarys bonds

The House Adjourns untill 2 of the Clock in the Afternoon

Thursday at 2 of the Clock in the Afternoon.

The House met according to Adjournment The Members were Called over and All Present as in the Morning.

Daniel Dulany Esq^r^ from the Committee of Laws delivered to M^r^ Speaker an Additional and Supplementary Act to the Several Act for the Administration of Justice in Testamentary Affairs.

Which bill being read the first and Second time by an Especial Order Passed and was Sent to the Upper House together with the following Message Viz. [The text of this message is printed at L. H. J. page 352.]

Were sent to the Upper House by Mr Beale and Mr George who p. 89 return and say they Delivered the same.

The Bill Entituled an Act to Ascertain the fees of Attornys and other Persons Practising the Law and to Prevent Extortion fraud and Abuses therein being read the first and Second time by an Especial Order.

The Question was Put whether the said Bill should Pass or not Resolved in the Affirmative.

The said Bill was Accordingly Indorsed and Sent to the Upper House by Collo Ennalls and Mr Chamberlain Who return and say they Delivered the same.

The Question being Put whether in the bill Entituled An Act to Aid the Proceedings of some of the County Courts within this Province. The particular County Courts who omitted to Qualify themselves According to the Late Act Ascertaining the form of Oath of Judge or Justice should be Named or not. Resolved in the Negative

The house Adjourns untill to Morrow Morning at 8 of the Clock

Friday August the 1st 1729 August 1

The House met according to Adjournment the Members were Called and all Present as Yesterday The Proceedings of Yesterday were read over

A Bill Entituled an Act Repealing an Act Entituled an Act for p. 90 Securing the Rights and Inheritances of Sundry the Inhabitants within this Province by Pretence of Suspected Deeds was read the first time and Ordered to Lye on the Table

Coll. Tilghman from the Upper House Delivered to Mr Speaker the bill Entituled an Act to Encourage the Importation of Gold and Silver into this Province Indorsed thus.

By the Upper House of Assembly 28th July 1729

Read the first time and Ordered to Lye on the Table.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

And thus Indorsed Viz. [The text of this endorsement is printed at page 353.]

Daniel Dulany Esqr from the Committee of Laws delivered to Mr Speaker a bill Entituled an Act Providing what shall be Good Evidence to prove foreign and other Debts and to Prevent Vexatious p. 91 and unnecessary Suits at Law Pleading Discounts in bar and for repealing An Act of Assembly therein Mentioned which was read

L. H. J. the first and second time by an Especial Order and Passed and Sent to the Upper House by M^r^ Samuel Hanson and M^r^ Mathews Who return and Say they Delivered the same.

Ordered that a Supplementary bill be brought in to the Act Entituled an Act for Improveing the Staple of Tobacco.

Ordered that in the Supplementary bill the Oath of a Teller be Altered.

Ordered that, that Part of the Act Relating to Persons that are Levy free be Explained.

Ordered that that Part of the Act relating to the Deduction of Debts be Explained.

Ordered that M^r^ Dulany, M^r^ Jenning and M^r^ Key do prepare the said Bill.

Coll^o^ Ward from the Upper House delivered to M^r^ Speaker the Bill Entituled an Additional and Supplementary Act to the Several Acts for the Administration of Justice in Testamentary Affairs. And the following Message Viz. [The text of this message is printed at page 353.]

p. 93 M^r^ George from the Committee of Laws delivered to M^r^ Speaker the Ingrossed bill Entituled an Act Concerning the Parishes in S^t^ Marys and Charles Countys And a bill Entituled an Act for the Relief of Thomas Worsley Hezekiah Clark and Benjamin Freeman Prisoners in Ann arundell County Gaol.

The House Adjourns untill 2 of the Clock in the Afternoon

Friday at 2 of the Clock in the Afternoon.

The House met According to Adjournment. The Members were Called over and all Present as in the Morning.

The Question being Put Whether the bill Entituled an Act repealing an Act for Securing the Rights and Inheritance of Sundry Inhabitants within this Province against Certain Impositions by Pretence of Suspected Deeds, should have a Second reading or not. Resolved in the Negative.

The following Message being Prepared was Ordered to be Entred thus. [The text of this message is printed at page 354.]

p. 94 And was Sent to the Upper House by Maj^r^ King and M^r^ Sprigg who return and Say they Delivered the same.

The Bill Entituled an Act for the Releif of Thomas Worsley Hezekiah Clark and Benjamin Freeman prisoners in Ann arundell County Gaol was read the first and Second time by an Especial Order and Passed.

And Sent to the Upper House by M^r^ Beale and M^r^ Worthington Who return and say they Delivered the same.

Mr George from the Committee of Laws delivered to Mr Speaker a Bill Entituled an Act for the releif of Christopher Gardiner a Languishing Prisoner in Baltimore County Gaol which was read the first and second time by an Especial Order and Passed. And Sent to the Upper House by Mr Mathews and Mr Scott who return and say they Delivered the Same. L. H. J.

The following Message was ordered to be Entred thus Viz. [The text of this message is printed at page 355.]

And was Sent to the Upper House together with the Act Entituled An Additional and Supplementary Act to the Several Act for the Administration of Justice in Testamentary Affairs by Major Hanson and Mr Stoughton. p 95

Who return and say they Delivered the Same.

The Ingrossed Bill Entituled an Act Concerning the Parishes in Saint Marys and Charles Countys

The Ingrossed Bill Entituled an Act for the Assessment of Ten ℘ Poll on the Taxable Persons in Saint Pauls Parish in Queen Anns and Talbot Countys &ca and the Paper bills thereof were Sent to the Upper House by Mr Dashields and Mr Johnson who return and say they Delivered the same. p. 96

The Bill Entituled an Act to Aid the Proceedings of Some of the County Courts within this Province was read the first and Second time by an Especial Order and Passed and Sent to the Upper House by Mr George and Mr Edmundson Who return and say they delivered the Same

The Bill Entituled an Act to Encourage the Importation of Gold and Silver into this province was read and with the Amendments Proposed Passed for Ingrossing.

Benjamin Tasker Esqr from the Upper House delivered to Mr Speaker the Bill Entituled an Act against Ingrossers and Regrators Indorsed thus.

By the Upper House of Assembly 30th July 1729

Read the first time and Ordered to Lye on the Table

Signed ℘ Order Jno Ross Cl. Up. Ho.

And thus. [The text of this indorsement is printed at page 355.]

Which said Bill was read here and with the Amendments Proposed Passed for Ingrossing. p. 97

The Bill Entituled an Act to Prevent rigorous Prosecutions on Sherriffs Testamentary Administration and Commissarys bonds was read the first time and Ordered to Lye on the Table.

L. H. J. Edward Henry Calvert Esq^r and Eight more from the Upper House Delivered to M^r Speaker the following Message. [The text of this message is printed at page 357.]

p. 99 The House Adjourns untill to Morrow Morning at 8 of the Clock.

August 2 Saturday August the 2^d 1729

The House met according to Adjournment the Members were Called over and all Present as Yesterday The Proceedings of Yesterday were read over.

The Question being Put whether the three half Pence ℘ hogshead should be Applyed to the Governor for three years or one year Resolved it be for three years.

Ordered that M^r Harris M^r Jennings M^r Key Coll^o Gale and M^r Hollyday do prepare an Address to the Governor In Answer to the Message sent here from the Upper House Yesterday by M^r Edward Henry Calvert and Eight more.

John Hall Esq^r and two more from the Upper House Delivered to M^r Speaker the Bill Entituled An Act for raising a Duty of three p. 100 pence ℘ Hogshead &c. with no further Indorsement made thereon than was when the Bill was Sent here, before and the following Message Viz. [The text of this message is printed at page 358.]

The Bill Entituled an Act to Prevent rigorous Prosecutions on Sherriffs Testamentary Administration and Commissary bonds was read and Committed for Amendment.

Phillip Lee Esq^r from the Upper House delivered to M^r Speaker the Bill Entituled an Act to Aid the Proceedings of Some of the County Courts within this Province thus Indorsed Viz.

By the Upper House of Assembly 1^st Aug^t 1729

Read the first time and ordered to Lye on the Table.

Signed ℘ Order Jn^o Ross Cl. Up. Ho.

p. 101 And Indorsed thus

By the Upper House of Assembly 2^d Aug^t 1729

Read a Second time and will Pass. The time of Qualification being Given till November Court next.

Signed ℘ Order Jn^o Ross Cl. Up. Ho.

Coll^o Rider from the Upper House delivered to M^r Speaker the bill Entituled an Act for the Releif of Christopher Gardner a Languishing Prisoner in Baltemore County Gaol Indorsed thus

By the Upper House of Assembly 1st August 1729 L. H. J.

Read the first time and ordered to Lye on the Table

Signed ꝑ Order Jnº Ross Cl. Up. Ho.

And thus

By the Upper House of Assembly 2d August 1729.

Read a Second time and will Pass.

Signed ꝑ Order. Jnº Ross Cl. Up. Ho.

Which said bill was read here and Passed for Ingrossing.

Ordered that the Committee of Accounts do inspect into the three pence ꝑ hogshead raised for Arms and make their Report what Application has been made thereof.

The Ingrossed Bill Entituled an Act to Encourage the Importation of Gold and Silver into this Province was read & Assented to by this House and Sent to the Upper House with the Paper bill thereof by Major King and Mr George who return and say they Delivered the same

John Hall Esqr from the Upper House delivered to Mr Speaker the Paper bill Entituled an Act to Encourage the Importation of Gold and Silver within this Province.

The Paper bill Entituled an Act Concerning the Parishes in Saint Marys and Charles Countys. And the Paper Bill Entituled an Act for the Assessment of Ten ꝑ Poll on the Taxable Persons in St Pauls Parish in Queen Anns and Talbot Countys &ca Severally thus Indorsed Viz.

By the Upper House of Assembly 2d Augt 1729. p. 102

The Engrossed bill whereof this is the Original is read and Assented to.

Signed ꝑ Order. Jnº Ross Cl. Up. Ho.

Daniel Dulany Esqr from the Committee of Laws delivered to Mr Speaker a bill Entituled a Supplementary Act to the Act Entituled an Act for EmpEmpowering the Staple of Tobacco &ca

Coll° Tilghman from the Upper House delivered to Mr Speaker the bill Entituled an Act Providing what shall be good Evidence to Prove foreign and other Debts &ca Indorsed thus

By the Upper House of Assembly 1st Augt 1729

Read the first time and Ordered to Lye on the Table.

Signed ꝑ Order Jnº Ross Cl. Up. Ho.

L. H. J. And Indorsed thus.

By the Upper House of Assembly 2^d^ Aug^t^ 1729.

Read a Second time and will Pass.

Signed ℘ Order Jn^o^ Ross Cl. Up. Ho.

Which said Bill was read here and Passed for Ingrossing.

On Reading the bill Entituled a Supplementary Act to the Act Entituled an Act for Emproving the Staple of Tobacco &c. The Question was Put whether the said Bill should have a Second reading or not Resolved in the Affirmative.

The Question being Put whether there should be two Counters of Tobacco Appointed in Each District or one Resolved that there be one only Appointed in Each District.

Coll^o^ Ward from the Upper House Delivered to M^r^ Speaker the bill Entituled an Act for the Relief of Thomas Worsley Hezekiah Clark and Benjamin Freeman Indorsed thus

p. 103 By the Upper House of Assembly 1^st^ Aug^t^ 1729.

Read the first time and ordered to Lye on the Table.

Signed ℘ Order Jn^o^ Ross Cl. Up. Ho.

And Indorsed. [The text of this endorsement is printed at page 360.]

Edmund Jennings Esq^r^ Delivered to M^r^ Speaker the following Address. [The text of this address is printed at page 365.]

p. 105 The House Adjourns untill two of the Clock in the Afternoon.

Saturday at 2 of the Clock in the Afternoon

The House met according to Adjournment. The Members were Called over and all Present as in the Morning

The Question being Put whether the Address to the Governor should be sent to day or not Resolved in the Affirmative.

M^r^ Jennings and M^r^ Key were ordered to go and Acquaint the Governor that this House had prepared an Address to his Message of Yesterday and Desireth to know if he is at Leasure to receive the same.

They return and Say they Delivered their Message and that the Governor would be ready to receive the Same in a Quarter of an hour in the Conference Chamber.

The Question being Put whether the Address should be Presented to the Governor by the whole House or by Particular Members to be Appointed Resolved that it be Presented by the whole house.

Whereupon Mr Speaker left the Chair and he and the rest of the Members of this House went and Delivered the aforesaid Address to the Governor in the Conference Chamber. L. H. J.

Mr Speaker and the whole House return Mr Speaker reassumed the Chair and Reportd to the House that he Delivered the said Address to the Governor.

The Question being Put whether the Message to be Sent with the Tobacco Bill should be altered or Not. Resolved in the Negative. p. 106

The Bill Entituled an Act for raising a Duty of three pence ℘ Hogshead on all Tobacco &ca was read and Passed with the Amendments Proposed for Ingrossing

Benjamin Tasker Esqr from the Upper House delivered to Mr Speaker the bill Entituled an Act to Ascertain the fees of Attornys &ca Indorsed thus

By the Upper House of Assembly 1st August 1729.

Read the first time and Ordered to Lye on the Table.

Signed ℘ Order Jno Ross Cl. Up. Ho.

And Indorsed thus.

By the Upper House of Assembly 2d Augt 1729.

Read a Second time & will not Pass.

Signed ℘ Order Jno Ross Cl. Up. Ho.

Collo Rider from the Upper House Delivered to Mr Speaker a Bill Entituled an Act reviving and Continuing an Act Entituled an Act to restrain the ill Practices of Attornys and to Prevent their taking mony fees and Ascertaining what fees shall be Allowed to the Practioners in the Law who shall Attend the Circuit Courts made at a Session of Assembly begun and held at the City of Annapolis the fifteenth day of March Anno Dom one thousand Seven hundred & twenty five Indorsed thus

By the Upper House of Assembly 2d August 1729.

Read the first and Second time by an Especial Order and will Pass.

Signed ℘ Order Jno Ross Cl. Up. Ho.

The aforesaid bill being read here the first time the Question was Put whether the said Bill should have a Second reading this Day or not. Resolved in the Negative.

Mr Crabb Mr Sprigg and Mr Magruder have leave to go home untill Monday p. 107

L. H. J. John Hall Esq^r^ from the Upper House delivered to M^r^ Speaker the following Message Viz. [The text of this message is printed at page 361.]

The Bill Entituled a Supplementary Act to the Act Entituled an Act for emproving the Staple of Tobacco &c^a^ Was read the first and Second time by an Especial order and Passed and sent to the Upper House with the following Message Viz. [The text of this message is printed at page 361.]

p. 111 By M^r^ Beale and five more who return and say they went to Deliver the said Message and bill but Could not the Upper House having Adjourned.

The House Adjourns untill Monday Morning at 8 of the Clock.

August 4 Monday Aug^t^ the 4^th^ 1729

The House met according to Adjournment. The Members were Called over and all Present as on Saturday Except M^r^ Gordon, the Proceedings of Saturday were read.

p. 112 The Message and Bill that were Sent to be Delivered on Saturday were Sent to day by M^r^ Beale & five more. Who return and Say they Delivered the Same.

On Reading the Bill Entituled an Act reviving & Continuing an Act Entituled an Act to restrain the ill Practices of Attorny's &c. the second time the Question was Put whether the said Bill should Pass or that it should be sent to the Upper House not Passed with a Message. Resolved that the said Bill should Pass.

Which Bill was Accordingly Indorsed and Sent to the Upper House by James Hollyday Esq^r^ and M^r^ George who return and Say they Delivered the Same.

M^r^ Waughop hath Leave of the House to go home.

The Ingrossed Bill against Ingrossers & Regrators, and the Ingrossed Bill Entituled an Act for the Releif of Christopher Gardiner a Languishing Prisoner in Baltemore County Gaol were Severally read and Assented to by this House and Sent to the Upper House with the paper Bills thereof by M^r^ Samuel Hanson and M^r^ Magruder who return and Say they Delivered the same.

The following Message Viz. [The text of this message is printed at page 364.]

p. 113 Was sent to the Upper House by M^r^ Worthington and M^r^ Thompson with the bill Entituled an Act for the releif of Thomas Worsley &c.

Who return and Say they Delivered the same.

The Bill Entituled an Act to prevent rigorous Prosecutions on Sherriffs Testamentary Administration and Deputy Commissarys bonds was read the second time & Passed and Sent to the Upper House by Coll° Ennalls and Mr Sprigg. L. H. J.

Who return and Say they Delivered the same.

The House Adjourns untill 2 of the Clock in the Afternoon

Monday at 2 of the Clock in the Afternoon.

The House met according to Adjournment. The Members were Called over and all Present as in the Morning Except Mr Waughop

Edward Henry Calvert Esqr and Six more from the Upper House Delivered to Mr Speaker the following Answer of the Governor to the Address of this House presented last Saturday. Viz. [The text of this address is printed at page 366.]

The Ingrossed Bill Entituled an Act for raising a Duty of three Pence ℘ Hogshead on all Tobacco exported out of this Province for the Uses therein Mentioned was read & Assented to and Sent to the Upper House with the Paper Bill thereof by James Harris Esqr and three more. Who return and Say they Delivered the Same. p. 114 p. 115

Ordered that Mr Ungles bond given for due Performance of the trust reposed in him as Treasurer of the Eastren Shore be put in Suit to Satisfy the mony received by him for the Publick Impositions.

Philemon Lloyd Esqr from the Upper House delivered to Mr Speaker the bill Entituled an Act for the releif of Thomas Worsley &c. And the following Message Viz. [The text of this message is printed at page 367.]

The Bill Entituled an Act to Aid the Proceedings of some of the County Courts within this province was read and Passed with Amendments Proposed for Ingrossing. p. 116

The Ingrossed Bill Entituled an Act to Aid the Proceedings of Some of the County Courts within this Province was read and Assented to and Sent to the Upper House with the Paper Bill thereof by Mr George and Mr Edmundson Who Return and Say they Delivered the same

Coll° Tilghman from the Upper House Delivered to Mr Speaker the bill Entituled an Act to make and Emit Twenty four Thousand Pounds Currant Mony &ca with the following Indorsement. p. 117

By the Upper House of Assembly 30th July 1729

Read the first time and ordered to Lye on the Table

Signed ℘ Order Jn° Ross Cl. Up. Ho.

And thus Indorsed. [The text of this endorsement is printed at page 368.]

The House Adjourns untill to Morrow Morning at 8 of the Clock. p. 118

L. H. J. August 5

Tuesday Aug^t^ the 5th 1729

The House met according to Adjournment the Members were Called over and all Present as were Yesterday in the Afternoon, the Proceedings of Yesterday were read over

The Bill Entituled an Act for the Releif of Thomas Worsley &c. was read & Passed with the Amendments Proposed for Ingrossing.

p. 119 The Question was Put whether the Bill Entituled an Act to Emit Twenty four thousand pounds Currant Mony in Bills of Credit &c^a^ should be Sent to the Upper House with a Message to reinforce it or not Resolved in the Negative.

Capt^n^ Gordon Appeared in the House this Day.

The following Message being prepared was ordered to be Entred thus. [The text of this message is printed at page 369.]

And Sent to the Upper House by Major Hanson & Cap^n^ Gordon who return and say they Delivered the same.

The Ingrossed Bill Entituled an Act Providing what shall be good Evidence to Prove foreign and other Debts &c. was read and Assented to by this House and Sent to the Upper House with the paper Bill thereof by Maj^r^ King & M^r^ Chamberlain who return and say they Delivered the Same.

p. 120 Coll^o^ Ward from the Upper House delivered to M^r^ Speaker the following Paper Bills Viz. The Bill Entituled an Act for the Releif of Christopher Gardiner a Languishing Prisoner in Baltemore County Gaol. The Bill Entituled an Act against Ingrossers and Regrators. The Bill Entituled an Act to Aid the Proceedings of Some of the County Courts within this province. The Bill Entituled an Act for raising a Duty of three pence ꝑ hogshead on all Tobacco &c^a^ The Bill Entituled an Act Providing what shall be good Evidence to Prove foreign and other Debts &c^a^ Severally thus Indorsed Viz.

By the Upper House of Assembly Aug^t^ 4th 1729

The Ingrossed bill whereof this is the Originall is read and Assented to.

Signed ꝑ Order Jn^o^ Ross Cl. Up. Ho.

The Paper Bill Entituled an Act reviving and Continuing an Act Entituled an Act to restrain the ill Practices of Attornys &c.

Indorsed thus

By the Upper House of Assembly 4th August 1729.

Read and Passed for Engrossing

Signed ꝑ Order Jn^o^ Ross Cl. Up. Ho.

And the Ingrossed Bill thereof Indorsed thus. L. H. J.

5th Augt 1729.

Read & Assented to by the Upper House of Assembly
Signed ℘ Order Jno Ross Cl. Up. Ho.

The Ingrossed Bill Entituled an Act reviving & Continuing an Act Entituled an Act to restrain the ill Practices of Attornys &ca was read and Assented to by this House.

The Paper Bill Entituled an Act reviving & Continuing an Act Entituled an Act to restrain the ill Practices of Attorny's &ca Indorsed thus p. 121

By the Lower House of Assembly Augt the 5th 1729.

The Ingrossed Bill whereof this is the Original is read & Assented to.
Signed ℘ Order M. Macnemara Cl. Lo. Ho.

Was sent to the Upper House by Collo Gale & Mr Key who return and Say they Delivered the same

Collo Belt from the Committee of Aggreivances and Courts of Justice Delivered to Mr Speaker the following Report Viz.

By the Committee of Aggreivances & Courts of Justice
August the 5th 1729

Your Committee have Examined the Several Commissions granted to the Several Courts of Judicature within this Province and do find that the Commission to the Provincial Court by which they now Act, is not Agreeable to the Oath of Judge or Justice for in that Commission the words are to keep or Cause to be kept all and Singular the reasonable Good Laws Statutes & Ordinances of that Part of the Kingdom of Great Britain Called England &c. And in the Oath it is thus Mentioned, According to the Directions of the Acts of Assembly of this Province so far forth as they Provide & Where they are Silent, according to the Laws Statutes & reasonable Customs of England Agreable to the Usage & Constitution of this province &c.

And your Committee further find that the Commission now Granted the Commissary General of Maryland Differs very much from the Commission Granted to the late Commissary General And therefore your Committee refer the Inspection of the said Commissions to the House for their Consideration therein p. 122
Signed ℘ Order Nic. Hammond Cl.

L. H. J. On reading the aforesaid Report The Question was Put whether the House should Proceed to Examine into the Commissions Mentioned in the said Report this Session, or not. Resolved in the Affirmative.

Benjamin Tasker Esq^{r} from the Upper House delivered to M^{r} Speaker the following Message Viz. [The text of this message is printed at page 370.]

The House Adjourns untill 2 of the Clock in the Afternoon.

Tuesday at 2 of the Clock in the Afternoon.

The House met according to Adjournment the Members were called over and all Present as in the Morning.

The Ingrossed bill Entituled an Act for the Releif of Thomas Worsley &c. was read and Assented to and Sent to the Upper House with the Paper bill thereof by M^{r} Beale & M^{r} Wharfeild Who return and Say they Delivered the Same

p. 123 The Question was put whether this House is of Opinion that the fees Settled by Act of Assembly Past in the year 1725 on the Several Officers within this Province are full and Ample rewards for the several Services to be done for the said fees.

Resolved Nemine Contradicente that this House is of opinion that the fees Settled by Act of Assembly in the year 1725 on the Severall officers within this Province are full and Ample reward for the Several Services to be done for the said fees.

The Question was put whether the Preceding Question & the Resolution of the House thereon should be Entred on the Journal of this House or not Resolved in the Affirmative.

It is offered to the Consideration of this House whether it is not an Aggrievance to the whole Province and of Dangerous Consequence to his Majesty's Subjects within the Same that the Conditions of Plantations upon which they hold their Estates are not made Publick. Upon which it is Resolved Nemine Contradicente that it is an Aggrievance to the whole Province and of Dangerous Consequence to his Majesty's Subjects within the Same that the Conditions of Plantations upon which they hold their Estates are not made Publick. Upon which it is Resolved Nemine Contradicente that it is an Aggreivance to the whole Province and of Dangerous Consequence to his Majesty's Subjects therein that the Conditions of Plantations upon which they hold their Estates are not made Publick.

Ordered that the Commissioners appointed to Put the Act for repairing the Damages already Sustained in the Records of the Land Secretarys & Commissarys Offices in Execution take Care that the

Undertakers for transcribing the Records make a Compleat Collection of all the Conditions of Plantations in one book and lay an Account of their Proceedings therein before the next Assembly. L. H. J. p. 124

Coll° Rider from the Upper House delivered to Mr Speaker the Bill Entituled an Additional & Supplementary Act to the Several Acts for the Administration of Justice in Testamentary Affairs Indorsed thus

By the Upper House of Assembly 4th Augt 1729

Read the first time and Ordered to Lye on the Table

Signed ℘ Order Jn° Ross Cl: Up. Ho.

And thus [The text of this endorsement is printed at page 371.]

And the following Message Viz. [The text of this message is printed at page 371]

The Bill Entituled an Additional & Supplementary Act to the Several Acts for the Administration of Justice in Testamentary Affairs was read and Passed with the Amendments proposed for Ingrossing. p. 126

John Hall Esqr from the Upper House Delivered to Mr Speaker the following Message Viz. [The text of this message is printed at page 372.]

The following Message [The text of this message is printed at page 372.] p. 127

Was Sent to the Upper House by Mr Walter Smith & Eleven more Who return and Say they Delivered the Same.

Daniel Dulany Esqr from the Committee of both Houses appointed to prepare an Address to the Governor concerning Settling a friendly Correspondence with the Gentlemen of Virginia delivered to Mr Speaker the following one Viz. [The text of this address is printed at page 373.]

Which being read was unanimously approved of by the House. p. 129

Philemon Lloyd Esqr from the Upper House delivered to Mr Speaker the Bill Entituled an Act to prevent the rigorous Prosecutions on Sherriffs Testamentary Administration & Deputy Commissarys bonds Indorsed thus

By the Upper House of Assembly 5th Augt 1729

Read the first time and ordered to Lye on the Table.

Signed ℘ order Jn° Ross Cl. Up. Ho.

L. H. J. And Indorsed thus. [The text of this endorsement is printed at page 373.]

And the Paper Bill Entituled an Act for the Releif of Thomas Worsley &c^a^ Indorsed thus

By the Upper House of Assembly 5th Aug^t^ 1729

The Engrossed Bill whereof this is the Original is read and Assented to.

Signed ꝑ Order Jn^o^ Ross Cl. Up. Ho.

The Bill Entituled an Act to Prevent rigorous Prosecutions on Sherriffs Testamentary Administration & Deputy Commissarys bonds was read and passed for Ingrossing.

Ordered that the Committee of Laws prepare An Address to the Governor Concerning the present Provincial Commission.

The House Adjourns untill to Morrow Morning at 8 of the Clock

August 6 Wednesday Aug^t^ the 6th 1729.

The House met according to Adjournment. The Members were Called over and all Present as Yesterday the Proceedings of Yesterday were read.

p. 130 The Ingrossed bill Entituled an Act to Prevent the Rigorous Prosecution on Sherriffs Testamentary Administration and Deputy Commissarys bonds was read and Assented to and Sent to the Upper House with the Paper bill thereof by M^r^ Dashield and M^r^ Knight Who return and Say they Delivered the Same

The following Message being Prepared was ordered to be Entred thus. [The text of this message is printed at page 374.]

And was sent to the Upper House this day by Coll^o^ Gale & M^r^ Beale Who return and Say they Delivered the same

The Journal of Accounts was read and Assented to and Sent to the Upper House with the following Message Viz. [The text of this message is printed at page 375.]

By M^r^ Beale & three more who return and say they Delivered the Same

Coll^o^ Tilghman from the Upper House delivered to M^r^ Speaker the following Message Viz. [The text of this message is printed at page 375.]

p. 131 Daniel Dulany Esq^r^ from the Committee of Laws delivered to M^r^ Speaker the following Address Viz.

To the Honourable Bened^t Leonard Calvert Esq^r Governor of Maryland. L. H. J.

The Humble Address of the Lower house of Assembly

May it Please your Honour.

By the report of the Committee of Aggreivances & Courts of Justice as well as by the Inspection of the Present Provincial Court Commission (which Issued before your Hon^rs Arrival in this Province) it appears to this House that there is a Considerable Difference between the said Commissions in that part of it which Directs the Justices by what Laws they are to Administer Justice to his Majestys Subjects within this Province, & the Oath of Judge or Justice Prescribed by Act of Assembly And this House being apprehensive that a Variance between the Commission & Oath of Judge may be Mischeivous to the People we represent.

We entreat your Honour to give Directions that all the Commissions of Judges or Justices be made and Drawn Conformable to the said Oath. p. 132

Which Said Address was approved by the House & Ingrossed and Signed by Order of the House ꝑ

John Mackall Speaker

Aug^t 6^th 1729

M^r Gordon & M^r George are ordered to go & acquaint the Governor that this House hath Prepared an Address to him & Desire to know if he is at Leasure to receive the same they return and say the Governor is ready to receive the said Address in the Council Chamber whereupon M^r Gordon & five more were ordered to go and Present the Address, They return and Say they Delivered it.

The House Adjourns untill 2 of the Clock in the Afternoon

Wednesday at 2 of the Clock in the Afternoon

The House met according to Adjournment. The Members were Called over and all Present as in the Morning.

The Question was Put whether this House should take into Consideration the Legality of the Lord Proprietary's Commission to the Present Commissary Generals Next Session or not Resolved in the Affirmative

Edmund Jennings Esq^r and M^r Gordon are ordered by this House to go (with Benjamin Tasker Esq^r who is Appointed by the Upper House) to Acquaint the Governor that this House hath Prepared an Address in Conjunction with the Upper House and Desireth to know if he is at Leasure to receive the same. They return and Say they Delivered their Message And the Governor will receive the Address in half an hour in the Conference Chamber p. 133

L. H. J. The Bill Entituled an Additional & Supplementary Act to the Severall Acts for the Administration of Justice in Testamentary Affairs was read and Assented to by this House and Sent to the Upper House with the Paper bill thereof by Mr Key & Collo Ennalls Who return & say they Delivered the same.

The following Message Viz. [The text of this message is printed at page 378.]

Was sent to the Upper House by Mr Gordon & Mr Jennings Who return and Say they Delivered the Same

Ordered that the Treasurers of this Province Indorse the bills to those Persons to Whom they Send them And that they be Indemnified in Case any Accident Should happen thereafter.

p. 134 The House proceeded to tax the following Bills Viz.

An Act for the Naturalization of Christian Peters a Native of Germany.

	lb. s. d.
To the Honble Speaker	1: 0: 0
To the Clerk	0: 10: 0

An Act to Confirm a Deed of Bargain & Sale from Stephen Yoakley to Thomas Colmore.

	lb. s. d.
To the Honble Speaker	2: 0: 0
To the Clerk	1: 0: 0

Collo Ward from the Upper House delivered to Mr Speaker the following Message Viz. [The text of this message is printed at page 378.]

The House joins with the Proposal made in the said Message

Whereupon Mr Speaker left the Chair, and he and the rest of the p. 135 Members of this House went to join the Members of the Upper House.

Mr Speaker and the rest of the Members of this house returned. Mr Speaker reassumed the Chair, and reported that he and the rest of the members of this house in conjunction with the Upper house had presented the said address to the Governor who was pleased to receive the same

Benjamin Tasker Esqr from the Upper House delivered to Mr Speaker the Paper bill Entituled an Act to prevent rigorous Prosecutions on Sherriffs Testamentary Administration & Deputy Commissarys bonds Indorsed thus.

By the Upper House of Assembly 6th Augt 1729.

The Engrossed bill whereof this is the Original is read & Assented to

Signed ꝑ Order Jno Ross Cl. Up. Ho.

The Bill Entituled a Supplementary Act to the Act Entituled an Act for Emproving the Staple of Tobacco Indorsed thus. L. H. J.

By the Upper House of Assembly 4th Augt 1729

Read the first time & Ordered to Lye on the Table.

Signed ꝑ Order Jno Ross Cl. Up. Ho.

And thus Indorsed Viz. [The text of this endorsement is printed at page 375.]

And the following Message (Viz.) [The text of this message is printed at page 376.] p. 136

The Question was Put whether this House should agree with the Amendments proposed by the Upper House to the Tobacco Bill or not Resolved in the Affirmative. p. 138

Coll. Rider from the Upper House delivered to Mr Speaker the following Message Viz. [The text of this message is printed at page 378.]

The House Adjourns untill to Morrow Morning at 8 of the Clock. p. 139

Thursday Augt the 7th 1729

August 7

The House met according to Adjournment The Members were Called over and all present as yesterday The Proceedings of Yesterday were read over.

Mr Crabb hath the Leave of the House to go home

Collo Gale and Mr Key are ordered to prepare a Supplementary Bill to the Act Concerning Convicted felons

The following Message (Viz) [The text of this message is printed at page 379.]

Was Sent to the Upper House with the Bill Entituled a Supplementary Act to the Act Entituled an Act for Emproving the Staple of Tobacco by James Hollyday Esqr and Mr Johnson Who return and Say they Delivered the Same. p. 142

Collo Gale Delivered to Mr Speaker a Bill Entituled a Supplementary Act to the Act Entituled an Act to Prevent the Abuses of Concealing Convicted felons and other Offenders imported into this Province, And for the better Discovery of them, which bill was read the first & Second time, by an Especial Order, and Passed; And Sent to the Upper House by Collo Gale and Mr Key who return and Say they delivered the same.

John Hall Esqr from the Upper House delivered to Mr Speaker the Paper bill Entituled an Additional and Supplementary Act to

L. H. J. the Several Acts for the Administration of Justice in Testamentary Affairs Indorsed thus

By the Upper House of Assembly 6th August 1729.

The Engrossed bill whereof this is the original is read and Assented to

Signed ꝑ Order Jnº Ross Cl. Up. Ho.

And the Bill Entituled a Supplementary Act to the Act Entituled an Act to prevent the Abuses of Concealing Convicted felons &cª Indorsed thus

By the Upper House of Assembly 7th Augt 1729

Read the first and Second time by an Especial Order and will pass.

Signed ꝑ Order. Jnº Ross Cl. Up. Ho.

Which bill was read here & Passed for Ingrossing.

p. 143 The House Adjourns untill 2 of the Clock in the Afternoon

Thursday at 2 of the Clock in the Afternoon.

The House met According to Adjournment. The Members were Called over and all present as in the Morning.

The Ingrossed bill Entituled a Supplementary Act to the Act Entituled an Act to Prevent the Abuses of Concealing Convicted felons and other Offenders imported into this Province and for the better Discovery of them was read and Assented to And Sent to the Upper House with the Paper Bill by Collº Fendall and Mr Thompson.

Who return and Say they Delivered them

Philemon Lloyd Esqr from the Upper House Delivered to Mr Speaker the bill Entituled a Supplementary Act to the Act Entituled an Act for Emproving the Staple of Tobacco.

And the following Message Viz. [The text of this message is printed at page 381.]

p. 144 Collº Tilghman from the Upper House delivered to Mr Speaker the paper Bill Entituled a Supplementary Act to the Act Entituled an Act to Prevent the Abuses of Concealing Convicted felons &c. Indorsed thus.

By the Upper House of Assembly 7th Augt 1729

The Engrossed bill whereof this is the Original is read and Assented to

Signed ꝑ Order Jnº Ross Cl: Up. Ho.

And a Bill Entituled an Act for the Naturalization of Conrad Kilin of the City of Annapolis Cooper Anna Maria his Wife and John his Son L. H. J.

The Said Bill was read the first time & the Question was Put whether it should have a Second reading or not Resolved in the Negative.

The said Bill was ordered to be Indorsed thus

By the Lower House of Assembly Aug^t^ 7^th^ 1729.

Read the first time; And the Question being put whether this Bill should have a Second reading or not Resolved in the Negative; Because this House is Resolved not to Enter on Any New business this Session.

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

And was Sent to the Upper House by Coll^o^ Gale and M^r^ Key who return and Say they Delivered the same

The following Message Viz. [The text of this message is printed at page 382.]

Was Sent to the Upper House with the Supplementary bill to the Tobacco Law by M^r^ Jennings & M^r^ Hemsley p. 145

Who return and Say they Delivered the Same

The House Adjourns untill to Morrow Morning at 8 of the Clock

Friday Aug^t^ the 8^th^ 1729. August 8

The House met according to Adjournment

The Members were Called and all Present as Yesterday Except M^r^ Edmundson. The proceedings of Yesterday were read over

Coll^o^ Ward from the Upper House Delivered to M^r^ Speaker the following Message Viz. [The text of this message is printed at page 382.]

Coll^o^ Rider from the Upper House delivered to M^r^ Speaker the following Message Viz. [The text of this message is printed at page 382.]

Benjamin Tasker Esq^r^ from the Upper House delivered to M^r^ Speaker the Supplementary Bill to the Tobacco Law and the following Message Viz. [The text of this message is printed at page 383.] p. 146

The following Message Viz. [The text of this message is printed at page 383.] p. 147

Being prepared the Question was put whether it should be sent to the Upper House or not Resolved in the Affirmative

L. H. J. Mr Key and Collo Ennalls were Sent with the said Message They return and say they Delivered the same

Ordered that the Treasurer of the Western Shore Comply with any Draught of the Major Part of the Commissioners appointed, concerning the Erecting a Separate Repository for the Records, to the Workman or Workmen they shall Agree with

Major Robert Hanson and Mr Gordon delivered to Mr Speaker William Tytes bond Conditioned for the building the Separate Repository for the Records which is Lodged with the Clerk of this House

p. 148 Edward Henry Calvert and five more from the Upper House delivered to Mr Speaker the following Message Viz. [The text of this message is printed at page 384.]

Philemon Lloyd Esqr Delivered to Mr Speaker the following Message Viz. [The text of this message is printed at page 383.]

Collo Ward from the Upper House Delivered to Mr Speaker the p. 149 Petition of Edward Newton, John Anderson, Jacob Lockerman, Thomas Howell, William Murrey, John Steward, Richard Manning, Henry Ennalls, & Henry Tripp with the following Indorsement thereon Viz. [The text of this endorsement is printed at page 384.]

The House Concurs with the Proposals in the said Message and have ordered the same to be Lodged with the Clerk of the Secretarys Office which was Accordingly Done.

The House Adjourns untill 2 of the Clock in the Afternoon.

Friday at 2 of the Clock in the Afternoon

The House met according to Adjournment. The Members were Called and all present as in the morning.

Mr Edmundson appeared in the House this Afternoon

Daniel Dulany Esqr read the following report in his place and Delivered it to Mr Speaker wch was ordered to be Entred as is Viz. [The text of this report is printed at page 385.]

p. 151 On Reading the aforesaid Report this House doth not Approve thereof.

The Question was Put whether any further Considerations should be taken by this House on the Tobacco Bill or not Resolved in the Negative.

The following Message Viz. [The text of this message is printed at page 385.]

Was Sent to the Upper House by Major Hanson and Mr Chamberlain, Who return and say they Delivered the Same

Benjamin Tasker Esq^r^ from the Upper House delivered to M^r^ Speaker the Journal of the Committee of Accounts Indorsed thus. L. H. J.

By the Upper House of Assembly 8^th^ Aug^t^ 1729

Read and Assented to by the Upper House of Assembly

Signed ꝑ Order Jn^o^ Ross Cl. Up. Ho.

The following Message Viz. [The text of this message is printed at page 386.]

Was Sent so the Upper House by M^r^ George & M^r^ Hemsley Who return and Say they Delivered the Same. p. 152

Coll^o^ Rider from the Upper House Delivered to M^r^ Speaker the following Message Viz. [The text of this message is printed at page 386.]

M^r^ Key delivered to M^r^ Speaker A Bill Entituled an Act Empowering a Committee to lay Assess and Apportion the Publick Levy for this Present year one thousand Seven hundred and Twenty Nine which Bill was read the first and Second time by an Especial Order & Passed and Sent to the Upper House by John Beale Esq^r^ and M^r^ Dashields with the Journal of the Committee of Accounts Passed both Houses & an Additional Journal of Accounts which was read and Assented to by this House

John Hall Esq^r^ from the Upper House delivered to M^r^ Speaker the Journal of the Committee of Accounts and the Additional Journal of the Committee of Accounts Indorsed thus. p. 153

By the Upper House of Assembly 8 Aug^t^ 1729

Read and Assented to

Signed ꝑ Order Jn^o^ Ross Cl. Up. Ho.

And the Bill Entituled an Act empowering a Committee to Lay Assess & Apportion the publick Levy for this Present year 1729 Indorsed thus.

By the Upper House of Assembly 8^th^ Aug^t^ 1729.

Read the first & Second time by an Especial Order & will Pass.

Signed ꝑ Order Jn^o^ Ross Cl. Up. Ho.

Which said Bill was read here & Passed for Ingrossing.

The Ingrossed bill Entituled an Act empowering a Committee &c^a^ was read and Assented to & Sent to the Upper House with the Paper bill thereof by James Hollyday Esq^r^ and Maj^r^ Turbutt, Who return and Say they Delivered the same

L. H. J. Coll° Rider from the Upper House delivered to M^r^ Speaker the paper bill Entituled an Act Empowering a Committee &c^a^ Indorsed thus.

By the Upper House of Assembly 8^th^ Aug^t^ 1729

The Engrossed bill whereof this is the Original is read & Asserted to.

Signed ꝑ Order. John Ross Cl: Up: Ho.

John Beale & James Hollyday Esq^rs^ were ordered to go and Acquaint the Governor there is no business now before this house. They return and say they Delivered their Message

p. 154 Coll° Tilghman from the Upper House acquainted M^r^ Speaker that the Governor required him & the Whole House, to Attend him Immediately in the Upper House.

Thereupon M^r^ Speaker and the Whole House went to the Upper House, where M^r^ Speaker Presented to the Governor the Several Ingrossed bills following. [This list is printed at page 387.]

p. 157 All which the Governor Passed into Laws by Sealing them with the Right Honourable the Lord Proprietary's Greater Seal at Arms and Severally thus Indorsing them Viz.

August the 8^th^ 1729

On behalf of the Right Honourable the Lord Proprietary of this province, I will this be a Law

Ben^dt^ Leon^d^ Calvert

After which the Governor was Pleased to make the following Speech Viz. [The text of this speech is printed at page 389.]

p. 158 Then the Governor with the Advice of his Lordships Council, was Pleased to Prorogue this Assembly to the Third Tuesday of November Next

p. 159 Thereupon M^r^ Speaker with the rest of the Members Return to the Lower House where M^r^ Speaker reassumed the Chair and repeated what the Governor had done and said.

Whereupon this House accordingly Prorogues it Self to the third Tuesday of November Next.

So Endeth this Second Session of Assembly, this Eighth day of August Anno Domini 1729.

Test. M. Macnemara Cl. Lo. Ho.

ACTS

At a Session of Assembly, begun and held at the City of Annapolis, in Maryland, the Tenth Day of July, 1729, the following Laws were Enacted.

Session Laws Printed by William Parks

An Act repealing Part of an Act, Intituled, An Act against Forging and Counterfeiting of Foreign Coins, Gold or Silver; made at a Session of Assembly, begun and held at the then Town and Port of Annapolis, the Twenty Sixth Day of March, Anno Domini 1707.

1729 Chap. II p. 1 Repeals part of 1707, ch. 4 [Chap. I is a private act of which the text is not found]

Whereas at a Session of Assembly, begun and held at the City of Annapolis, Anno 1707, there was an Act passed, to prevent, amongst other Things, the Clipping of all Sorts of Foreign Coins; but forasmuch as such Coins, both of Gold and Silver, do at this Time pass Current by Weight, and not by Tale, as heretofore, whereby the Mischiefs of Clipping are effectually prevented; and seeing that the Cutting or Clipping of Foreign Coins is now in some measure necessary for the making of Change; this present General Assembly taking into their serious Consideration the grievous Penalties inflicted by the said Act upon Persons Clipping Foreign Coins as aforesaid, have thought fit to repeal so much of the said Act as related thereunto:

Wherefore, Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That that Part of the said Act that relates to Clipping the Coins therein mention'd, be, and is hereby utterly repealed, and made void.

A Supplementary Act to the Acts* for regulating Writs of Error, and granting Appeals from and to the Courts of Common Law, within this Province; and for Regulating Appeals from the Court of Chancery.

Chap. III *1721, ch. 14, sec. 3

Whereas, in and by the said Act, amongst other Things, it is enacted and contained, That in all Appeals and Writs of Error from the Courts of Law, to the Governour and Council, it should and might be sufficient for the Council only, to hear and determine Matters of Controversy, whereof the first of the Council in Commission, being present, should preside; whose Judgment thereupon should be definitive, in as full and ample Manner, as if the said Governour were actually present and presiding.

Session Laws p. 2 And forasmuch as it hath happened, that the first in Commission of the said Council, thro' Sickness, or other Means, could not attend the Court of Appeals, by reason whereof, some Inconveniencies and Delays to Business have been,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That in Case the Governour, and first in Commission of His Lordship's Council, be absent from the Court of Appeals, the Senior Councillor then present in Court, shall preside; and the said Court shall and may hear and determine any Matter before them, whether in Law or Equity, in the same Manner they might by the said Acts have done, in Case the Governour, or first in Commission, was actually present: And that the Judgment of those who shall be present, shall be as effectual, as if it were given by the Governour, or first nominated in His Lordship's Commission: Provided, there be Five Members of the said Court present.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That Appeals from the Court of Chancery, to the Court of Appeals, shall be subject to the same Regulation and Limitation, as to the Prosecution of them, as Appeals from the Courts of Common Law are: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

Chap. IV An Act for the more effectual Punishing of Negroes, and other Slaves; and for taking away the benefit of Clergy from certain offenders.

Whereas several petit Treasons, and cruel and horrid Murders, have been lately committed by negroes which Cruelties they were instigated to commit, and hereafter may be instigated to commit with the like Inhumanity, because they have no Sense of shame or Apprehension of future Rewards or Punishments: And that the Manner of executing Offenders, prescrib'd by the Laws of England, is not sufficient to deter a People from committing the greatest Cruelties, who only consider the Rigour and Severity of Punishment:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That when any Negroe, or other Slave, shall be convict, by Confession or Verdict of a Jury, of any Petit-Treason, or Murder, or wilfully burning of Dwelling-Houses; it shall and may be lawful for the Justices before whom such Conviction shall be, to give Judgment against such Negroe, or other Slave, to have the right Hand cut off, to be hang'd in the usual Manner, the Head severed from the Body, the Body divided into Four Quarters, and

Head and Quarters set up in the most publick Places of the County where such Fact was committed.

Session Laws

p. 3

And whereas several Felons have feloniously broke and enter'd several Shops, Store-houses, or Ware-houses, not contiguous to or used with any Mansion-house, and stolen from thence several Goods and Merchandizes; and that it hath been doubted whether such Offenders are, by any Law now in Force, excluded the Benefit of Clergy:

Be it Enacted and Declared, by the Authority, Advice, and Consent aforesaid, That if any Person or Persons, shall, after the End of this Session of Assembly, break into any Shop, Store-house, or Ware-house, altho' such Shop, Store-house, or Ware-house, be not contiguous to, or used with any Mansion-house, and steal from thence any Goods, to the Value of Five Shillings, and be thereof convict, by Confession, or Verdict of a Jury; such Offender, or Offenders, shall suffer Death, as Felons, without Benefit of Clergy: Any Law, Usage, or Custom, to the contrary, notwithstanding.

An Act reviving and continuing an Act, Intituled, An Act, ascertaining the Gauge and Tare of Tobacco-Hogsheads; and to prevent cropping, cutting, and defacing Tobacco taken on board Ships and Vessels upon Freight; and for laying Impositions on Tobacco per the Hogshead, for the Support of Government; and for the encouraging Settlements in this Province, by ascertaining the Manner of paying His Lordship's Alienation Fines and Quit-Rents, for the Term therein proposed; and for taking off the Three-pence per Hogshead formerly raised for the Publick Charge.

Chap. V
Continues
1717, ch. 7

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly and the Authority of the same, That an Act, Intituled An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent cropping, cutting, and defacing Tobacco taken on board ships or Vessels on freight, and for laying Impositions on Tobacco per the Hogshead, for the Support of Government, and for the encouraging Settlements in this Province, by ascertaining the Manner of paying His Lordship's Alienation-Fines and Quit-Rents, for the Term therein proposed and for the taking off the Three-pence per Hogshead formerly raised for the Publick Charges made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty Eighth Day of May, Anno Domini One Thousand Seven Hundred and Seventeen, be and is hereby revived and continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty.

Session Laws Provided always, and it is the true Intent and Meaning of this Act, That this Act, or any Thing herein contained, shall not be construed or extend to repeal an Act, Intituled, An Act concerning Tobacco, and a Clause therein contained for repealing and abrogating such Part of an Act of Assembly, Intituled, An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, &c. so far as it relates to the Imposing a Penalty for the false Tareing of Tobacco-Hogsheads; but that so much of the said Act hereby intended to be revived, as relates to the Imposing a Penalty for the false Tareing of p. 4 Tobacco-Hogsheads, shall continue repealed and abrogated: Any thing in this Law to the contrary thereof, in any wise notwithstanding.

Chap. VI An Act for the Laying out of Land, and erecting a Town at the Head of Port-Tobacco Creek, in Charles County.

Whereas the Inhabitants of Charles-County, by their humble Petition to the Legislature of this Province, have set forth, That the Land contiguous to that whereon the Court-house for the said County, is now Building, at the Head of Port-Tobacco Creek, is very convenient for a Town, being near the Center of the County, and commodious for Trade: And for that it appears to this General Assembly, that the erecting a Town at the Place aforesaid, will be advantageous, as well to the Inhabitants of the said County, as others Trading or Resorting thereto: It is therefore pray'd that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Colonel John Fendall, Major Robert Hanson, Mr. John Courts, Mr. Samuel Hanson, Capt. George Dent, Doctor Gustavus Brown, and Mr. Henry Holland Hawkins, or the Major Part of them, are hereby appointed Commissioners, and by Virtue of this Act authorized and impowered to agree for, and purchase Sixty Acres of Land at the Place aforesaid, and to cause the same to be survey'd and laid out in the most convenient Manner so as to adjoin to and encompass the Lands belonging to Port-Tobacco Church, and the said Court-house.

And be it further Enacted, That the Commissioners aforesaid, or the Major Part of them, are hereby impowered to meet together at the Court-house at the Place aforesaid, some Time before the Thirtieth Day of September next: And the Commissioners aforesaid, shall give Notive to the Person or Persons interested in the said Lands, of such their Meeting, some convenient Time before, that such Person or Persons may (if he, she, or they, think fit) attend, in Order to treat with the Commissioners aforesaid, or the major Part of them, concerning the Purchase of the said Sixty Acres of Land.

And in Case the Owner or Owners of the said Land shall neglect to appear, or wilfully refuse to make Sale of the same, or through Nonage, Coverture, Non Sanæ Memoriæ, or any other Disability or Impediment whatsoever; be or are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall, and are (by Virtue of this Act) impowered and required to issue their Warrant, under their Hands and Seals, to the Sheriff of the said County, requiring him to impannel and return a Jury of the most substantial Free-holders, Inhabitants within the said County, to be and appear before the said Commissioners, at a certain Day and Place by them to be appointed; which Jury, upon their Oath, by the said Commissioners, or the major Part of them, to be administred, shall enquire, assess, and return, what Damages and Recompence they shall think fit to be awarded to the Owner or Owners of the said Sixty Acres of Land, and all Persons therein concern'd, according to their several and respective Interests. Session Laws p. 5

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, on purchasing the Land aforesaid, from the Owner or Owners thereof, or in case of Neglect, Refusal, or Disability, of such Owner or Owners as aforesaid, on making Inquisition by a Jury as is before directed, shall cause the Surveyor of the County aforesaid, for the Time being, to lay out One Acre of the said Sixty Acres, for a Market-Place; and the remaining Fifty Nine Acres, to divide into One Hundred equal Lots, allowing convenient Streets, Lanes, and Alleys, to be first survey'd and stak'd out: And the Lots aforesaid, shall be likewise distinguished by some Posts or Stakes, towards the Streets, Lanes, and Alleys, mark'd N° 1. 2. 3. and so on to 100. Out of which Lots the Owner of said Land, shall have Liberty to chuse any Two of said Lots; provided he make such Choice within Fifteen Days after such Town shall be so laid out. And after such Choice, the remaining Lots may be taken up by any Person or Persons, inhabiting within the County aforesaid; provided such Person or Persons, shall not be allowed to take up more than One Lot, during the first Four Months after laying out the same. And in case the Inhabitants aforesaid, shall not take up the said Lots within the Time aforesaid, that then any Person or Persons whatsoever, shall and may have free Liberty to take up the same.

And be it further Enacted, That the Damage and Recompence which the Jurors aforesaid shall assess, or the Sum which the Commissioners shall agree for, shall be paid to the Owner or Owners of the said Land, by such Person or Persons as shall take up the said Lots, proportionably to his or their Lot or Lots.

And be it further Enacted, That every Person who shall take up any of the Lots aforesaid, shall be obliged to build thereon, within

Session Laws Eighteen Months from the Time of such Taking up, a House that shall cover Four Hundred square Feet, exclusive of Sheds. And to the End, that the Houses aforesaid may be the more regularly placed,

Be it Enacted, That all the Houses to be erected on any the said Lots, shall be built on the Edge of some Street, Lane, or Alley, and front the same.

And be it further Enacted, by the Authority aforesaid, That the Commissioners aforesaid, or the major Part of them, shall return an Account of their Proceedings to the Clerk of the County, within Ten Days after the said Town shall be so laid out; who is hereby oblig'd to enter the same in the Land Records of the said County, and file and keep the Original Report in his Office; and that the Surveyor aforesaid, shall likewise return to the said Clerk, a fair Plat and Certificate of the said Town within the Time aforesaid, to be enter'd and fil'd as aforesaid; and that any Person or Persons, who shall think fit to take up any of the Lots aforesaid, shall apply to the said Clerk, who is hereby obliged to make an Entry in the said Records, of the Name or Names of the Person or Persons so applying, with p. 6 the Day of the Month, Date of the Year, and Number of the Lot or Lots, by him, her, or them, so taken up: And the Person or Persons, who shall cause such Entry to be made, and shall build on such Lot or Lots according to the Directions, and within the Time limited by this Act, shall be vested with a good, sure, and indefeizable Estate of Inheritance, in Fee Simple, of, in, and to the Lot or Lots, by him, her, or them, so enter'd and built on, as aforesaid: Any Law, Statute, Usage, or Custom to the contrary thereof, in anywise, notwithstanding.

And be it further Enacted, That any Person or Persons, who shall take up any the Lot or Lots aforesaid, and shall neglect or refuse to build thereon, according to the Directions, and within the Time limited by this Act, such Person or Persons, so refusing or neglecting, shall intirely lose all his, her, or their Right, Title, Estate, Claim, and Interest, of, in, or to such Lot or Lots so taken up, and not built on as aforesaid. And it shall and may be lawful, for any Person or Persons whatsoever, to take up the said Lot or Lots, he, she, or they, making such Entry as is before by this Act directed, and paying such Sum or Sums as shall be first set and assess'd upon such Lot or Lots, to the Commissioners aforesaid, or such Person or Persons, as the said Commissioners, or the major Part of them shall think fit to appoint to receive the same, for the Publick Use, and Benefit of the said Town. And such second Taker-up, shall, by Virtue of such Entry, and Payment, and Building on such Lot or Lots, according to the Directions of this Act, within Eighteen Months, from the Time of such second Entry, be vested with the same Estate, as in and by this Act, is vested in, and settled on the first Taker-up. And in Case any the Lots aforesaid, shall remain untaken up at the End of Seven Years, from the laying out such said Town; that then, and in such Case, the Owner or Person Interested at first in the said Land, after such Time expired, shall be possessed and interested in said Lot or Lots, as in his or their first and former Estate: Any Thing in this Act to the contrary, notwithstanding.

And be it Enacted, That the Surveyor of the said County, shall be allowed for laying out and surveying said Town, and returning Plat and Certificate thereof to the Clerk, and paid in the County Levy, the Sum of Fifteen Hundred Pounds of Tobacco; and that the Clerk be likewise paid by the said County, for entering and filing such Plat. Certificate, and Report of the Commissioners aforesaid, such reasonable Fee or Reward, as the Commissioners aforesaid, or the major Part of them, shall think fit; and for every Entry to be made by the Takers-up, for each Lot, the Sum of Twelve Pounds of Tobacco.

And be it further Enacted, That the said Town, when laid out, as before directed, shall thence forward be called and distinguish'd by the Name of Charles Town, and not by any other Name or Distinction whatsoever.

And be it further Enacted, That nothing in this Act shall extend, or be construed to extend to prejudice any Person or Persons, his or their Heirs or Assigns, who have comply'd with the Requisites of the Act of Assembly, whereby Part of the said Land was actually survey'd and laid out into Lots, and then call'd Chandler Town, of their Title to, or Inheritance in said Lots: But that the said Persons, their Heirs and Assigns, shall remain in the same State, as if this Law had never been made. Saving also to His Most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights: Any Thing in this Act to the contrary thereof, in anywise, notwithstanding. p. 7

An Act impowering and directing the Justices of the several Counties within this Province, to levy any Quantity of Tobacco, not exceeding Ten Pounds per Poll, on the Taxable Persons of any Parish in each of their respective Counties, on Application to them made, by the Vestry and Churchwardens of any Parish. Chap. VII

Whereas it is represented and made appear to this present General Assembly, that some of the Justices of the Peace within this Province, have refused to assess Tobacco on the Inhabitants of some Parishes, altho' Application hath been made to them, by the Vestry and Churchwardens, to that End:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's

Session Laws Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for, and the several Justices of the several County Courts within this Province, are hereby required and directed, on Application to them made, by the Vestrymen and Churchwardens of any Parish, yearly to assess the Parishioners of such Parish, any Quantity of Tobacco, not exceeding Ten per Poll on the Taxable Inhabitants thereof, be it for the Enlargement or Repairs of any Church heretofore, or hereafter to be enlarged, or for any other Charge that shall hereafter be judged by the Vestry and Churchwardens to be necessary for the Use of the same Parish: For collecting whereof, the Sheriff shall be allowed Five per Cent. without any Deduction.

Provided always, That an Account thereof be fairly kept, and yearly transmitted to the Governour and Council, by the Time, and according to the Directions of an Act of Assembly, Intituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes: Any Law, Usage, or Custom to the contrary, notwithstanding.

Chap. VIII An Act for the Relief of Creditors, and to prevent Frauds and Deceits occasioned by secret Sales, Mortgages, and Gifts of Goods and Chattels.

Whereas divers Persons, being indebted to several of the Inhabitants of this Province, and Others His Majesty's Subjects, have Run away without making any Satisfaction to their Creditors, and either carried their Substance with them, or lodged the same in the Hands of some Persons in Trust to their own Use; or made secret and fraudulent Sales thereof, to the great Prejudice of Creditors, and the Discouragement of Trade: For Remedy whereof,

p. 8 Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That when, and as often as any Provincial Justice, or Justice of the Peace, shall be informed upon Oath, by the Testimony of one creditable Witness, or by any other probable Way, that any Person or Persons, is or are actually run away, or removed, in a secret Manner, from the Place of his, her, or their Abode, and shall have carried, or shall be about to remove and carry away any Part of his, her, or their Substance, to deceive his, her, or their Creditors, or abscond or fly from Justice, that it shall and may be lawful for such Justice, upon Application to be made to him, by any Creditor or Creditors of such run-away or absconding Person; and making it appear to such Justice, that such run-away or absconding Person is really and bona fide indebted to the Person or Persons making such Application, and in how much; it shall and may be lawful for such

Justice to issue his Warrant to the Clerk of the County Court, or Provincial Court, as the Case shall require, to issue Attachment for what such Creditor or Creditors shall make appear to be due or owing to him, her, or them, as aforesaid: By virtue of which Warrant, and this Act, it shall and may be lawful for every such Clerk, to issue Attachment or Attachments in the usual Form, for the Debt or Damage that shall be so prov'd, and the incident Cost and Charge for such Creditor or Creditors against such run-away or absconding Person; to be directed to the Sheriff or Coroner, as the Case shall require: Any Law, Usage, or Custom to the contrary notwithstanding. Session Laws

And be it further Enacted, That the same Proceedings shall be had on all Attachments to be so issued, and Security given on Condemnation of any Effects that shall be so attached, as are directed by the Act for regulating Attachments, and limiting the Extent of them on Attachments to be issued by Virtue thereof.

Provided always, That when any Creditor shall produce any Bond Bill, protested Bill of Exchange, promissary Note, or other Obligation, Writing, or Instrument, under the Hand and Seal or Hand of such run-away or absconding Person, such Creditor shall make Oath, orAffirmation (if a Quaker) that the whole Debt, or Part thereof, mentioning particularly what Part, if any Payment hath been, or shall be made of any Part, remains really and bona fide due and owing to such Creditor or Creditors: And that if the Debt shall be due upon Account, or Book Debt, that then the Creditor shall prove such Account, and how much thereof shall be due as aforesaid; which Account and Probate shall be lodged with the respective Clerks, before any Attachment shall issue.

And whereas, it has often happened that several Persons have heretofore secretly made over unto their Creditors, or pretended Creditors, or given their own Children, or Others, sundry Goods and Chattels, and yet kept the same in their own Possession, whereby they have been believ'd to be the Proprietors of such Goods and Chattels, and thereby procure to themselves Credit for considerable Sums of Money, and Quantities of Tobacco, to the great Prejudice of several Inhabitants of this Province and Others:

Be it therefore Enacted, by the Authority, Advice, and Consent aforesaid, That from and after the End of this Session of Assembly, no Goods or Chattels, whereof the Vendor, Mortgagor, or Donor, p. 9 shall remain in Possession, shall pass, alter, or change, or any Property thereof be transferred to any Purchaser, Mortgagee, or Donee, unless the same be by Writing, and acknowledged before One Provincial Justice, or One Justice of the County where such Seller, Mortgagor, or Donor, shall reside; and be within Twenty Days recorded in the Records of the same County.

Session Laws

Provided always, That nothing in this Act shall extend, or be construed to extend, to make void any such Sale, Mortgage, or Gift, against such Seller, Mortgagor, or Donor, his Executors, Administrators, or Assigns only, or any claiming under him, her, or them.

Chap. X [Chap. IX is a private act of which the text is not found]

An Act for the Assessment of so much Tobacco, on the Inhabitants of All-hallows Parish, in Anne-Arundel County, as will build them a new Parish Church.

Whereas the Vestry-Men, Church-Wardens, and other the Inhabitants of All-hallows Parish, in Anne-Arundel County, have, by their Petition to this General Assembly, set forth, that their Parish Church is so decayed and antient, that it is dangerous being therein; and have prayed, that an Act may pass that so much Tobacco may be levyed on the Taxable Persons of the said Parish, as will enable them to build a Church:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Anne-Arundel County Court, shall, and may, and they are hereby authorized and directed, on the Application of the Vestry-Men and Church-Wardens of the said Parish, to assess and levy on the Taxable Inhabitants of the said Parish, any Quantity of Tobacco, not exceeding Twenty Thousand Pounds of Tobacco, in any one Year; and to continue so doing Yearly, until there shall be a sufficient Quantity of Tobacco levied to erect and compleat a new Church in the said Parish; which said Tobacco, so to be levied, shall be collected by the Sheriff of Anne-Arundel County, for the Time being; who is hereby authorized and directed to collect the same; and who shall have for such Collection, at and after the Rate of Five per Cent. without any Deduction. And the said Tobacco, when so collected, shall be paid Yearly to the Vestry and Church-Wardens, who are hereby authorized and required to apply the same to the Building and Finishing a new Church in the said Parish.

Chap. XI p. 10

An Act for the further Assessment of Forty Thousand Pounds of Tobacco, on the Inhabitants of St. Anne's Parish in Anne-Arundel County, towards inlarging and repairing the Church in the City of Annapolis; and building a Chappel of Ease in the said Parish; and for a Payment of a Fourth Part of the Charge, by a Publick Assessment on the whole Province, for the Enlargement and Reparation of the said Church.

Whereas it appears to this General Assembly, by the Representation of the Inhabitants of St. Anne's Parish, in Anne-Arundel County, That the Quantity of Forty Thousand Pounds of Tobacco, granted to be assessed on them, by Virtue of an Act for Repairing and Enlarging of the Church in the City of Annapolis; and for the building a Chappel of Ease, &c. was not sufficient for that Purpose: Session Laws

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Anne-Arundel County Court, shall and may, and they are hereby authorized and directed, on the Application of the Vestry and Church-Wardens of the said Parish, to assess and levy, by Two further several Assessments (over and above the Forty Thousand Pounds of Tobacco granted to be assessed and levied by Virtue of the aforementioned Act) on the Inhabitants of the said Parish, any Quantity or Quantities of Tobacco not exceeding in the Whole the Quantity of Forty Thousand Pounds of Tobacco. And which said Quantity or Quantities of Tobacco, so to be assessed and levied, shall be collected by the Sheriff of the said County; who is hereby authorized and directed to collect the same; and who shall have for such Collection, at and after the Rate of Five Pounds per Cent. And the said Tobacco, when so collected, shall be paid to the said Vestry and Church-Wardens; who are hereby authorized and required to apply the same for the Enlargement and Reparation of the said Church, and building of the Chappel aforesaid, in the same Manner, as the Quantity of Forty Thousand Pounds of Tobacco, already granted to be assessed and levied as aforesaid, was directed to be applied.

And whereas, It is very fit that there should be Pews in the said Church of Annapolis, particularly assigned for the Use of the Governour of this Province, and the Members of His Lordship's Council, and the Speaker of the House of Delegates, and Members of the same House:

Be it Enacted, That the Vestry and Church-Wardens aforesaid, shall, and they are hereby impowered and directed to leave, or cause to be left, a Place and Room vacant in the Body of the Church, large enough to contain these Pews, viz. A handsome One for the Governour of this Province; another for the Honourable the Members of His Lordship's Council, if they shall be pleas'd to leave or disuse the Pews, which they at present possess in the Gallery of the said Church; also another Pew for the Honourable the Speaker of the House of Delegates; and Five others, large and commodious, for p. 11 the Members of the said House: The said several Pews to be built and erected at the Publick Charge of this Province.

And be it Enacted, by the Authority, Advice, and Consent aforesaid, That one full Fourth Part of all the Charges and Expences, which shall be laid out and expended in and about the said Enlargement and Reparation of the said Church, shall, upon the Application of the Vestry and Churchwardens of the said Parish, to the

Session Laws General Assembly, be levy'd by a publick Assessment on the Inhabitants of this Province; to be collected in the same Manner as other publick Assessments, and paid to the said Vestry and Churchwardens, towards the said Enlargement and Reparation.

Chap. XII An Act for erecting a Town on the North Side of Patapsco, in Baltemore County, and for laying out in Lots Sixty Acres of Land, in and about the Place where one John Fleming now lives.

Whereas, several of the Inhabitants of Baltemore County, have, by their Petition to this General Assembly, set forth, That a Town is much wanting on the North Side of Patapsco-River; and that it is generally agreed that Part of a Tract of Land, whereon a certain John Fleming now lives, and suppos'd to be the Right of the Heirs of Charles Carroll, Esq; deceas'd; which said Tract is commonly known by the Name of Cole's Harbour:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Mr. Thomas Tolley, Mr. William Hamilton, Mr. William Bucknar, Doctor George Walker, Mr. Richard Giest, Doctor George Buchanan, Mr. William Hammond, or any Three of them, shall be, and are hereby appointed Commissioners for Baltemore County aforesaid; and are hereby authorized and impowered, as well to agree for the Buying and Purchasing Sixty Acres of Land out of the Tract aforesaid, and such Part, not exceeding Sixty Acres, as lies most convenient to the Water, as for Surveying and Laying the same out in the most convenient Manner into Sixty equal Lots, to be erected into a Town.

And be it further Enacted, That the Commissioners aforesaid, herein before nominated and appointed, or the major Part of them, are hereby impowered sometime before the last Day of September, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Thirty, to meet together on the Tract of Land aforesaid, or some other convenient Place thereto; and shall then and there treat and agree with the Owner or Owners, and Persons interested in the said Sixty Acres of Land, for the same; and after Purchase thereof, shall cause the same to be surveyed and laid out; and after the same be so survey'd and laid out, shall cause the same Sixty Acres to be mark'd, stak'd out, and divided into convenient Streets, Lanes, and Allies, as near as may be into Sixty equal Lots, mark'd by some Posts or Stakes towards the Streets, or Lanes, with Number One, Two, Three, Four, and so on to Sixty, to be divided and laid out; of which Lots the Owner or Owners of the said Land p. 12 shall have his or their first Choice for one Lot; and after such Choice, the remaining Lots may be taken up by others; and that no Person shall presume to purchase more than One Lot within the said Sixty Acres, during the first Four Months after laying out the same: And that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in Case the said Inhabitants shall not take up the said Lots within Six Months after such laying out as aforesaid, it shall then be lawful for any Person or Persons whatsoever to take up the said Lot or Lots paying the Owner or Owners proportionably for the same. And in Case the Owner or Owners of the aforesaid Sixty Acres of Land, shall wilfully refuse to make Sale of the same, or that through Nonage, Coverture, or any other Disability or Impediment whatsoever, are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall, and are by Virtue of this Act, authorized, impowered, and required, to issue Warrants under their Hands and Seals to the Sheriff of the said County; which said Sheriff is also hereby required and impowered, upon Receipt of such Warrants, to impannel and return a Jury of the most substantial Freeholders, Inhabitants within the said county, to be and appeare before the said Commissioners, at a certain Day and Time by them to be limited; which Jury, upon their Oaths, shall enquire to whom the said Land belongs, and assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Sixty Acres of Land, and all Persons interested therein according to their several and respective Interests: And what Sum of Tobacco the said Jury shall adjudge the said Sixty Acres to be worth, shall be paid to the Owners so found by their Verdict, and all Persons they find interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots which shall give the said Purchaser or Purchasers, their Heirs and Assigns, an absolute Estate of Fee Simple, in the said Lot or Lots; he or they complying with the Requisites in this Act mentioned.

And be it further Enacted, That the Surveyor of Baltemore County, for the Time being, shall have and receive for Surveying and Laying out the Town aforesaid, the Sum of Fifteen Hundred Pounds of Tobacco, and no more, to be paid and allowed him in the County Levy; and that he return a Plat thereof to the County Clerk, to be by him kept amongst the County Records. And in Case the Taker-up of such Lot or Lots, refuse and neglect to build upon such Lot or Lots within Eighteen Months an House that shall cover Four Hundred square Feet; that then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot to the Commissioners aforesaid, or such other Person as the said Commissioners, or the major Part of them, shall nominate and appoint to receive the same, for the publick Use and Benefit of the said Town, and to be taken up a second Time.

Session Laws Provided always, That such Taker-up or Purchaser build and finish, within Eighteen Months after such his Entry made, such House as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good Estates to all Intents and Purposes to such second Taker-up and Builder as aforesaid, his Heirs and Assigns as is in and by this Act before limited and settled upon the first Taker-up and Builder. And in Case any of the said Lots shall be neglected to be taken up p. 13 in the Town aforesaid, during the Term of Seven Years next after the Publication of this Act, that then, and in such Case, the Owner or Persons interested at the first in such Land, shall, after such Time expired, be possess'd and interested in the said Lot or Lots, as in their first and former Estate: Any Thing in this Act to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Town aforesaid, be called by the Name of Baltemore Town.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissioners aforesaid, or the major Part of them, employ some sufficient Person for their Clerk; and that they cause such Clerk to take an Oath that he shall make true and impartial Entries of their Proceedings; and assess reasonable Fees for the said Clerk, to be paid him by the several Takers-up of the said Lots; which said Entries they shall cause to be made up in a well bound Book, and lodged with the Clerk of Baltemore County Court, for the Inspection of any Person.

Saving to His Most Sacred Majesty, his Heirs and Successors, the Right Honourable the Lord Proprietary, his Heirs and Successors, and to all Bodies Politick and Corporate, and all Persons not mentioned in this Act, their several and respective Rights: Any Thing in this Act to the contrary thereof in anywise, notwithstanding.

Chap. XIII An Act for the Assessment of Ten per Poll on the Taxable Persons in Saint Paul's Parish, in Queen Anne's and Talbot Counties, the next Levy, and Ten per Poll the ensuing: Also for the assessing Ten per Poll, Yearly, on the Taxable Persons in St. Luke's Parish, in Queen Anne's County, until they shall have raised sufficient to compleat a Church in the said Parish.

Whereas, by a late Act of Assembly made at a Session of Assembly, begun and held at the City of Annapolis, the Third Day of October, Anno Domini One Thousand Seven Hundred and Twenty Eight, Intituled, An Act for dividing of St. Paul's Parish, in Queen Anne's County and Part of Talbot County, amongst other Things, it was enacted, that it might be lawful for the Justices of Queen Anne's and Talbot Counties, to cause to be levy'd on the Taxable

Persons in St. Luke's Parish, any Quantity of Tobacco, not exceeding Thirty Thousand Pounds of Tobacco, for the building of a Church in the said Parish: And it appearing to this General Assembly, that Thirty Thousand Pounds of Tobacco is not sufficient to erect a Church in said Parish: It also appearing that the Inhabitants of St. Luke's Parish were assessed towards building or repairing Two Brick Churches in St. Paul's Parish aforesaid, (one of which Churches, and Part of the Parish, lies in Talbot County,) whereof they now have no Benefit; and it being thought reasonable that the Taxable Persons in St. Paul's Parish should contribute something towards the building a Church in St. Luke's Parish, Session Laws

p. 14 Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Queen Anne's, and the Justices of Talbot County Courts, shall, and may, and are hereby authorized and required to assess and levy Ten Pounds of Tobacco per Poll, on the Taxable Persons in St. Paul's Parish, the next ensuing Assessment or Time of laying the Levy, and Ten per Poll the Year after; and which said Tobacco when assessed and levy'd, shall be collected by the Sheriffs of Queen Anne's and Talbot Counties, who are hereby authorized and directed to collect the same; and such Sheriffs shall have Five per Cent. for collecting the same; and the said Tobacco when collected, shall be paid by the said Sheriffs, to the Vestry and Church-Wardens of St. Luke's Parish, who are hereby authorized and required to apply the said Tobacco towards the building a Church in the said Parish of St. Luke's.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Justices of Queen Anne's County Court, shall Yearly and every Year, at the Time of laying the County Levy, assess on the Taxable Persons in St. Luke's Parish aforesaid, Ten per Poll, until there shall be Tobacco sufficient raised to compleat the Church, over and above all other Assessments on the Taxable Persons in the said Parish, to be collected, levy'd, paid, and apply'd, as aforesaid; for Collection of which, the Sheriff shall have Five per Cent.

An Act concerning the Parishes in St. Mary's and Charles Counties. Chap. XIV

Whereas, at a Session of Assembly begun and held at the City of Annapolis, the Third Day of October, Seventeen Hundred and Twenty Eight; an Act of Assembly was made, Intituled, An Act for the better Regulating the Parishes in St. Mary's and Charles Counties; whereby Power was given to the Persons therein named Commissioners, to meet at the Time and Place therein also mentioned, for to regulate and divide the several Parishes in the said Counties.

Session Laws And whereas, in Pursuance of the said Act, the major Part of the said Commissioners did (at the Time and Place) meet, and proceed to execute the Authority thereby given them; and did lay out the said Parishes in the following Manner, as by the Return thereof to this present General Assembly appears, viz. For William and Mary Parish, in St. Mary's County, All the Land lying below the Wading-Place of the Ordinary-Run, with a streight Line from thence, to the Northermost Branch of Lewis's Creek on Patuxent River.

For King and Queen Parish, in St. Mary's County, all the Land lying above the Wading-Place of the aforesaid Ordinary-Run, running along the main Road, towards the Court-House, until it comes unto a Right-Hand Road, leading unto and by John Jarboe's, from thence by John Ford's Plantation, until it comes to Christopher Orrill's, so along the Road, until it comes to Resurrection-Hundred, and so with the Bounds of Newton-Hundred; excepting the following p. 15 Plantations, viz. John Nott's, Adam Clark's, Thomas Mooney's, Luke Gardiner's, Elizabeth Cole's, William Snowden's, and Ignatius Craycroft's; also including both the Hundreds of St. Clement's and Chapticoe.

For all Faith's Parish in St. Mary's County, the Residue of St. Mary's County; and adding thereunto Benedict-Hundred, in Charles County.

For Durham Parish, in Charles County, the Upper and Lower Hundreds thereto now belonging; together with the Addition of Part of that Hundred called West-side of Port-Tobacco Hundred, adjoining on them; to be divided by a Line drawn from the Mouth of a Branch of Port-Tobacco Creek, known by the Name of Love's Gut, with the said Branch or Gut, to the Head of a Fork thereof, just below the Plantation where Daniel Bryan lately dwelt; from thence to the main Road that leads from Port-Tobacco Creek to Piscattoway, near the Head of Pomphrett Race, so as to exclude the Plantation where Daniel Jenifer lately dwelt, William Theobald's and Benjamin Burgess's; thence with the said Road, until it intersect Mattawoman Run.

For Port-Tobacco Parish, in Charles County, all the remaining Part of the West Side of Port-Tobacco Hundred, that is not allotted to Durham, with the Hundred on the East Side of Port-Tobacco Creek; and such Part of the East and West Hundreds of Newport, as may be divided therefrom by a Line drawn from an Oak standing on Zachia Swamp, just below Henry Jameson's, to the Head of a Branch called the Hog-House Branch, including William Newman's Plantation; and from thence to the dividing Line between Charles and St. Mary's County.

For William and Mary Parish, in Charles County, all the remaining Part of the East and West Hundreds of Newport, not allotted to Port-Tobacco Parish; together with the Upper and Lower Hundreds already appertaining thereto. Session Laws

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Thirtieth Day of November next, the Bounds of the several Parishes within the said herein before-mention'd Report, be and remain the undoubted Bounds of the said several Parishes for ever: Any Law, Statute, Usage, or Custom to the contrary thereof, notwithstanding.

An Act to encourage the Importation of Gold and Silver into this Province. Chap. XV

Whereas the Effects of the Scarcity of Gold and Silver in this Province, are very sensibly felt by the Inhabitants thereof; in order therefore to give a suitable Encouragement to any Person who shall import into this Province, any Quantity of Gold or Silver,

Be it Enacted, by the Right Honourable the Lord Proprietary, p. 16 by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons who shall be liable to the Payment of any Duties or Impositions for any Goods or Commodities whatsoever, hereafter to be imported into this Province, by Land or Water, or exported out of this Province, by Land or Water, by Virtue of any Act of Assembly made or to be made, (except such Rates and Duties as are due and payable to the Lord Proprietary, or to the Governour of this Province, or appropriated to the Colledge of Virginia,) shall pay and discharge the same Duties and Impositions for any Goods to be imported as aforesaid, at the Time of Entring the same, and for any Goods or Commodities to be exported, at the Time of Clearing, in Silver or Gold Current Money, at the Rates mentioned in an Act, Intituled, An Act for settling the Rates of Foreign Silver Coins within this Province, and with the Difference of One Hundred Thirty Three Pounds Six Shilling and Eight Pence Current Money in Gold and Silver, for every One Hundred Pounds Sterling payable for the aforesaid Duties (except as before excepted) and so in Proportion for a greater or lesser Sum: The several Officer or Officers appointed to receive such Rates, Duties, and Impositions are hereby required and directed to allow to the Person or Persons making such Payment the Sum of Fifteen Pounds Current Money, out of every One Hundred Pounds Current Money, and Fifteen Pounds Sterling out

Session Laws of every One Hundred Pounds Sterling; and so in Proportion for a greater or lesser Sum, which such Person or Persons shall pay in Gold or Silver as aforesaid; and the Officer or Officers making such Allowance, shall be accountable for no more than he shall receive after such Allowance made as aforesaid.

And to prevent the Changing of Gold and Silver carried from out of this Province into another, in order to have the Benefit of this Act,

Be it Enacted, by the Authority, Advice, and Consent aforesaid, That every Person or Persons, claiming the Deduction of Fifteen per Cent. as aforesaid, shall, before he or they shall have any Advantage thereof by this Act, take the following Oath (mutatis mutandis) before the Officers appointed to receive the same Duties, Rates, and Impositions, who are hereby impowered and directed to tender the same, viz.

I A. B. Do swear, That the Sum of Gold and Silver which I now pay, in Discharge of the Rates, Duties, and Impositions for the Goods and Commodities by me imported at this Time of Entry, was imported by me into this Province, and not purchased or procured by my self or any other Person for my Use in this Province, nor was ever carried from out of this Province by my self or any other Person for my Use, with Design of bringing it back again for the Allowance of Fifteen per Cent. on the Duties arising upon the Commodities by me now imported; nor that the same Gold or Silver hath been Exchanged, or obtained by Barter, or in any Manner whatsoever, directly or indirectly, by my self, or any other Person, for any Sum or Sums of Money in Gold or Silver exported or carried from the Province of Maryland, by me, or any other Person, to the best of my Knowledge. So help me God.

p. 17 And that the Officer or Officers, who shall allow the said Fifteen Pounds per Cent. as aforesaid, shall be, and is hereby obliged and directed to make Oath, before he or they pass his or their Accounts to be administred by one Provincial Justice, or two Justices of the County Courts, that the Sum or Sums of Money for which the said Officer or Officers shall crave the Allowances of Fifteen Pounds per Cent. as aforesaid, in his or their Accounts, was or were, bona fide, paid by the Person or Persons directed as aforesaid, to pay the same to the said Officer or Officers: And that the Oath before directed to be taken by such Person or Persons, was taken by such Person or Persons at the Time of such Payment; and which Oath being certified by the said Justice or Justices, it shall and may be lawful to and for such Treasurer or Treasurers to allow the Deduction aforesaid, to the said Officer or Officers in his or their Accounts aforesaid.

Session Laws

An Act for the Relief of Christopher Gardiner, a languishing Prisoner in Baltemore County Goal.

Chap. XVI

Whereas, the said Christopher Gardiner, by his humble Petition to this present General Assembly, hath set forth, That he has continued a Prisoner for Debt, in the Custody of the Sheriff of Baltemore County aforesaid, for a considerable Time past; and still continues in the like deplorable Circumstances, not being able to redeem his Body with all the Estate or Interest he hath in the World, which he would readily surrender up and part with to his several and respective Creditors, if they would accept of the same, and grant the said Petitioner his Liberty. Which seems so unlikely for him to obtain, that (unless reliev'd by a particular Act to be past in his Favour, which by his said Petition he hath humbly prayed) he must inevitably continue Prisoner for Life; and thereby his Family utterly ruined. And for that, the Truth of the said Petitioner's Allegations is made appear to this General Assembly, by sufficient Testimony; and that the said Petitioner, and his Family, are fit Objects of Charity; and that his lying in Goal can be no Benefit to his Creditors; It is humbly prayed that the said Petitioner may be relieved according to his Prayer, and that it may be Enacted:

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the authority of the same, That unless all or any of the Creditor or Creditors of the said Christopher Gardiner, or the Attorney or Attorneys, of such Creditor or Creditors aforesaid, within this Province, shall, within Twenty Days after the End of this Sessions of Assembly, go to the Sheriff of the aforesaid County of Baltemore, and give good Security to pay the Imprisonment Fees of Ten Pounds of Tobacco per Day, that shall or may become due from the said Christopher Gardiner, after the End of the said Twenty Days. And also to find the said Christopher Gardiner, sufficient Meat, Drink, and Cloathing, during his future Imprisonment: In case he, the said Christopher Gardiner, shall deliver up and surrender, or cause to be deliver'd up and surrendered to the Sheriff of Baltemore County aforesaid, in the Presence of Two Justices of the Peace in the said County; whom the said Sheriff is hereby required to summon, on the Request of the said Christopher Gardiner, at the dwelling Plantation or Place, where (before the Imprisonment of the said Christopher Gardiner,) was the Place of Residence of the said Christopher Gardiner, at some convenient Time after the Receipt of this Act, not exceeding Ten Days, all his Real and Personal Es-

p. 18

Session Laws

tate, either in Possession, Reversion, or Remainder, or in Trust, or in, or unto which, he hath any Claim or Interest whatsoever: And do likewise, by the Day before-mention'd, convey, assign, transfer, and make over unto the said Sheriff of Baltemore County, for the Use of his said Creditors, all such his Estate, Interest, or Claim, as aforesaid; after such Manner as by the said Sheriff, and the major Part of the said Creditors, or of such of them as shall think fit to direct therein, or their Council, learned in the Law, shall reasonably devise or require; at the Cost and Charges of such Persons as shall claim the Benefit thereof; so as the said Christopher Gardiner be not burthened with any Warranties thereby, other than from himself, or those that claim by, from, or under him. And that the said Christopher Gardiner, at the Time of such his Surrender, and Transferring his Estate as aforesaid, shall take his solemn Oath before the said Two Justices of the County aforesaid, to be summoned as aforesaid, to the Effect following, viz.

I A. B. Do solemnly swear, that the Goods, Debts, and Effects, which I have deliver'd, assign'd, and made over to the Sheriff of Baltemore County, and in Trust for the Use of my Creditors, is the whole Estate, both Real and Personal of my own in Possession, or which I have any Title to in the World. And that I have not any Estate, Goods, or Effects, of any kind whatsoever, left; either in Possession, Reversion or Remainder, (the necessary Wearing Apparel for my self, Wife, and Children, excepted.) And that I have not, directly or indirectly, Sold, Leased, or otherwise conveyed, disposed of, or entrusted, all or any Part of my Estate thereby to secure the same, to receive or expect any Profit or Advantage thereof. So help me God.

It shall and may be lawful for the Sheriff of the County aforesaid, after the End of the said Twenty Days, And the said Sheriff is hereby required, to discharge the said Christopher Gardiner out of his Custody, and to suffer him to go at Large.

And be it further Enacted, That upon the said Christopher Gardiner, his complying with what is required of him by this Act; that he, the said Christopher Gardiner, and his Heirs, Executors, or Administrators; shall be (by Virtue of this Act) acquitted, exonerated, released, and discharged, of and from all manner of Debts, Duties, Claims, and Demands whatsoever, that have been severally contracted by him, or have arose due or become demandable from him, at any Time before the Sitting of this present General Assembly. And that in Case the said Christopher Gardiner shall, after his Compliance and Discharge as aforesaid, be Arrested or Sued for any such his Debts, or Duties as aforesaid; or that the said Sheriff shall be Sued for any Matter or Thing required of him to be done by this Act; that then the said Christopher Gardiner, or the said Sheriff, or either of them, whom it may concern, may enter a Common Appearance or Appearances, without Special Bail, to any such Action or Actions as shall be brought against them, or either of them, and plead thereto the General Issue; and give this Act, or the Exemplification thereof with the special Matter thereon arising, in Evidence. And that in Case the Plaintiff or Plaintiffs, commencing and bringing such Action or Actions as aforesaid, shall be Non-suit, the Defendant or Defendants, shall recover against him or them, double Costs of Suit: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

Session Laws

p. 19

And be it further Enacted, That the Sheriff of the County aforesaid, shall, after such Surrender and Delivery up as aforesaid, give publick Notice at the Churches, Court-Houses, and Mills, within the said County, of some precise Time by him the said Sheriff and the said Two Justices, to be appointed for the Distribution of the said Christopher Gardiner, his Effects and Estate, not less than Twenty Days after the Time of the making the said Surrender; and shall then and there, in the Presence of Two such Justices as aforesaid, and by their advice and Directions, make Distribution of the Estate of the said Christopher Gardiner, so as aforesaid to be surrender'd and deliver'd up, or transfer'd amongst such of his said Creditors only, as shall then by themselves, or their lawful Attorney or Attorneys, think fit to be present at such Distribution, by an equal and proportionable Distribution thereof to every such Creditor, with Respect had, and in Proportion to the Largeness of his or her Debt. The Proceedings of the said Justices and Sheriff, in that Behalf, to be certify'd to the Court of the County aforesaid, and there lodged for the Perusal of any of the Creditors of the said Christopher Gardiner, that shall require the same, without any Fee to be paid thereon, or for such lodging thereof. Saving the Right of the said Lord Proprietary, His Heirs and Successors, and of all Bodies Politick and Corporate.

Provided nevertheless, That in Case the said Christopher Gardiner, shall, at any Time after the making of such his oath, or taking such Affirmation as aforesaid, be convict of wilful and corrupt Perjury thereupon, or a wilful Breach or Non-compliance with the Tenour of such Oath or Affirmation as aforesaid, that then the said Christopher Gardiner shall, upon such Conviction, be adjudged to stand Two Hours in the Pillory, and have his Left Ear cut off, and shall be wholly deprived of any Benefit designed him by this law and shall be from henceforth liable to be prosecuted for any Debts or Demands whatsoever, in the same Manner as if this Act had

Session Laws never been made, Anything therein contained to the contrary, notwithstanding.

Provided Likewise, and Be it Enacted, by the Authority, Advice, and Consent aforesaid, That notwithstanding the Discharge of the Person of the Prisoner aforesaid, upon taking the Oath aforesaid, all and every Judgment now had and taken, or that shall be hereafter obtained, had and taken, against him the said Prisoner, by any of his Creditors, for any Debt or Debts owing and remaining due from him, to such his Creditors after such Surrender and Distribution made as aforesaid, shall be and stand good and effectual in Law to all Intents and Purposes, against the Lands, Tenements, and Hereditaments, Goods and Chattels, that the said Prisoner so discharged as aforesaid, shall hereafter acquire and come to the Possession of, and in his own Right only: And it shall and may be lawful to and for the Creditors of the said Prisoner so discharged as aforesaid, their Executors, Administrators, or Assigns, to take out any new Execution against the Lands, Tenements, Hereditaments, Goods, and Chattels of the Prisoner aforesaid, except his Wearing Apparel, Bedding for his Family, and Tools necessary for his Trade or Occupation and what may be necessary for their Subsistance, not p. 20 exceeding the Value of Five Pounds Current Money, for the Satisfaction of the Remainder of his or their said Debt, in such Sort, Manner, or Form, as he or they might have done, if the Person of the said Prisoner so discharged as aforesaid, had never been taken in Execution: Any Act, Statute, or Custom to the contrary, notwithstanding.

Chap. XVII

An Act against Ingrossers and Regrators.

Whereas, the Offences of Ingrossing and Regrating are found mischievous and prejudicial to the Inhabitants of this Province; and the Act of Assembly formerly made against Ingrossers and Regrators, not having had any good Effect, by the doubtful Expressions of what Persons might be adjudged Ingrossers and Regrators, By Virtue thereof,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That whatsoever Person or Persons within this Province, jointly or separately, from and after the End of this Session of Assembly, shall ingross or get into his, her, or their Hands or Possession, from any other Person or Persons, by Buying, Contracting, or Promise-taking, within this Province, any Goods or Merchandizes whatsoever, or Servants, or Provisions or Grain of any kind whatsoever, (Butchers, or Persons selling Meat at the Shambles excepted;) and shall sell the same, or cause the same to be sold again, within the Space of Six Months, for ready Tobacco, or for Tobacco to be paid the Shipping happening at the Time of such first Sale, or for Tobacco to be shipped for Payment, or securing the Payment of any Bill or Bills of Exchange, or for ready Money, or Bills of Exchange to be drawn for Payment of the said Goods, Merchandizes, or Servants, shall be accepted reputed and taken for an unlawful Ingrosser and Regrator, and shall incur such Forfeitures as are hereafter expressed: Any Law, Statute, Usage, or Custom to the contrary hereof in anywise, notwithstanding. Session Laws

And be it Enacted, by the Authority aforesaid, That if any Person or Persons shall hereafter offend in any the Things before recited, and shall thereof be sued, prosecuted, or impleaded, for such Offence, the Onus Probandi shall be on the Person or Persons so sued, prosecuted, or impleaded, to make it appear to the Court and Jury where such Offences shall be tried, that the said Goods, Merchandizes, and Servants, were not purchased by him, her, or them or for his, her, or their use, and by him, her, or them or by his, her or their Direction, and for his, her, or their Use disposed of within the Times aforesaid: And if the said Person or Persons so sued, prosecuted, and impleaded, shall fail to make the same appear, he, she or they, shall be deemed Ingrossers and Regrators; and shall for the first Offence, forfeit and pay the full value of such Goods, Merchandizes, or Servants, to be valued and adjudged by the said Court, with full Costs of Suit.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, If any Person or Persons being convict of the Offences aforesaid, shall again offend the second Time, and be thereof convict by the Means and in the Manner aforesaid, such Person or Persons shall forfeit and pay double the full Value of such Goods, Merchandizes, or Servants, for the said second Offence, to be also valued and adjudged by the said Court, before whom such Trial shall be, with full Costs of Suit. And for the third Offence, shall, on Conviction by the Means and in the Manner aforesaid, forfeit Three Times the full Value of such Goods, Merchandizes, or Servants, as aforesaid, to be valued and adjudged as aforesaid. p. 21

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the One Moiety of the said Forfeitures be applied to his Lordship, the Lord Proprietary, for the Support of the Government of this Province; and the other Moiety thereof, to the Informer, or him, her, or them, that shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, wherein no Essoine, Protection, or Wager of Law, to be allowed.

Provided, That this Act, or any Thing therein contained, shall not debar, or be construed to debar or hinder any Person or Persons

Session Laws whatsoever within this Province, by, or out of any Goods or Merchandizes, by him or them so bought or purchased as aforesaid, to satisfy and pay unto any Workman or Servant, the Hire or Wages of him or them due for any Work or Service whatsoever.

And be it Enacted, by the Advice, Consent, and Authority aforesaid, That an Act, Intituled, An Act against Ingrossers and Regrators, made at a Sessions of Assembly, held the Fifth Day of September, Seventeen Hundred and Four, be, and is hereby repealed and utterly made void to all Intents and Purposes.

Chap. XVIII An Act to aid the Proceedings of some of the County Courts within this Province.

Whereas some of the County Courts within this Province, have proceeded to hold Courts, and give Judgments in several Actions, without having qualify'd themselves at or before the last Day of March last, which they should have done, according to an Act of Assembly, Intituled, An Act for ascertaining the Form of the Oath of Judge or Justice, contrary to the Intent and Meaning of the said Act: And whereas by the said Act they could not have acted as Judges or Justices, by Virtue of the old Powers to them given, unless they had qualified themselves, at or before the said last Day of March; and it appearing that several Justices acted as Judges or Justices, in the June Court following, not having any new Commission or Writ of Dedimus Poteslatem, which may occasion several Appeals and Writs of Error: For Remedy whereof,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority *p. 22* of the same, That none of the Judgments given, or Acts done by the said Justices shall be reversed or avoided, by Reason aforesaid.

Provided, That any Person who hath already brought any Appeal or Writ of Error, upon any Judgment render'd by any such unqualify'd Justices, shall not lose any Benefit or Advantage of such Appeal, by this Act; but that all such Appeals and Writs of Error shall be under the same Circumstances as they would be, if this Act had never been made.

And be it Enacted, by the Authority aforesaid, That all Justices, who have taken the Oath of Judge or Justice prescribed by the said recited Act at any Time since the last Day of March last past, or who shall take the same Oath next November Court, before they proceed to Judgment, this present Year Seventeen Hundred and Twenty Nine, shall be deemed, and taken to be as lawfully qualify'd to act as Magistrates, as if the said Oath had been taken by them before the last Day of March last: Any Thing in the said recited Act, or any other Law to the contrary, notwithstanding.

An Act for raising a Duty of Three-pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned. Session Laws Chap. XIX

Whereas his Lordship, the Right Honourable the Lord Proprietary has been pleased to constitute and appoint his Honour Benedict Leonard Calvert, Esq; his Lieutenant Governour in and over this his Province of Maryland, to whom we (his Lordship's Tenants) yield all due Obedience: And the better to demonstrate our Gratitude to his Lordship, and to shew the good Respects we have for and towards the said Benedict Leonard Calvert, Esq; our present Governour; and the great Hopes and Expectation we have of his Honour's good Government over us, we most humbly pray that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Imposition of Three Pence Sterling per Hogshead, over and above the Duties already imposed on the Export of Tobacco upon all Tobacco that shall be exported out of this Province after the Twenty Ninth Day of September next, by Land or by Water, and Three Pence Sterling upon every Four Hundred Pounds of Tobacco, be it in Chest or Case, to be paid by the Master of every Ship or Vessel, or other Person trading into or living in this Province, in Sterling Money of Great-Britain, or Bills of Exchange, at the Election and Choice of the said Master or others, to be collected by the Naval Officer of the Port or District, where such Ship or Vessel shall enter, to be applied to the Uses, and in the Manner following; (that is to say,) Three Half-pence of the said Three Pence per Hogshead so to be collected as aforesaid, to be apply'd towards the Encouragement of one Publick School in every County within this Province; (that is to say) one equal Share thereof towards the Support of each School; and the remaining Three Half-pence so to be collected as aforesaid, be paid by the p. 23 Naval Officers aforesaid, to his Honour Benedict Leonard Calvert, Lieutenant Governour in and over this Province, for his Use and better Maintenance.

And be it Enacted and Declared, by the Authority aforesaid, That if any Tobacco, should by any casual Means be lost, after the Imposition be paid, that then, and in all such Cases, the Owner and Freighter of all such Tobaccos, shall have free Liberty to freight and ship off the like Quantity, without paying the additional Three Pence. This Act to endure 'till the Twenty Ninth Day of September, which shall be in the Year of our Lord Seventeen Hundred and Thirty Two.

Session Laws Chap. XX An Act providing what shall be good Evidence to prove Foreign and other Debts, and to prevent vexatious and unnecessary Suits at Law, pleading Discounts in Bar; and for repealing an Act of Assembly therein mentioned.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Debts of Record, whether by Judgment, Recognizance, Deed Enrolled, and upon Record, the Exemplification thereof under the Seals of the Courts where the said Judgment was given or was Recorded, shall be a sufficient Evidence to prove the same. And that all other Debts, by Bonds, Bills, Accounts, or otherwise, that shall from and after the Publication hereof, be sent hither to be put in Suit against any Person whatsoever living or residing within this Province, shall be proved by the Oaths of the Witnesses thereto, or any of them, before some Magistrate, in the Presence of a Notary-Publick, who shall attest that the Oath or Oaths, was, or were so taken; and that the Person before whom It or They shall be taken, shall then be a Magistrate, or other Officer, lawfully authorized thereto, of the County or Place wheresoever it shall happen the said Bonds or Bills shall be sent from; at which Time, and before which Publick-Notary, or other Publick Officer, shall be present the Creditors, who shall then likewise, before such Magistrate or other Publick Officer of the Place, so authorized, upon his corporal Oath, declare, That the said Debt, or any Part thereof (saving what the said Creditor gives Credit for) is not satisfied, or that there are not any other Accounts between the said Creditor and Debtor, for which the said Creditor may be likewise indebted to the said Debtor, to the Value of the said Debt, or any Part thereof, for any Matter or Thing accrued since the Date of the said Bond, Bill, or Instrument; or whether the said Creditor hath not given the said Debtor any Release for the same; to be sent together with the Proofs from under the Hands and Seals of the said Magistrate, and Publick-Notary, or other Publick Officer thereunto appointed; which if the Creditor shall refuse or neglect to perform or do, then the said Matter or Thing, by the said Publick-Notary, or other Officer, so by them certified as aforesaid, shall not be received as Evidence to prove the said Debt. And if the said Creditor be dead, and his Executor, or Administrator, shall sue any Debtor upon any such Bond, Bill, or Account, the Executor or Administrator, in like Manner, before such Magistrate to be attested p. 24 as aforesaid, or other Officer for that Purpose appointed, shall set forth and declare, upon their Oath, whether or no they have not heard the Creditor in his Life-time, acknowledge that Debt, or any, and what Part thereof to be satisfied; or whether or not (upon Sight of the Creditor's Books, Writing, or Accounts) they have not seen Credit given to the Debtor since the Day of the making the said Bills, Bonds, or Beginnings of the Accounts so sued for: All which, in like Manner, is to be certified by the Publick-Notary, or other Officer thereunto appointed, under his Hand and Seal, to be sent to this Country; together with the Testimony of the Witnesses, or any of them, that have testified to the said Bonds, Bills, Accounts, or otherwise; all which, if the said Executor, or Administrator, refuse or neglect to do, then the said Matter and Thing, by the Publick-Notary, or other Officer appointed, as aforesaid certified, shall not be received in Evidence for valid against the Debtor.

And be it Enacted, by the Authority aforesaid, That all and every the Attorney and Attorneys, who shall be employed in the Prosecution of such Suits, shall put in Security to pay the Defendant all such Costs and Charges as shall be by the Defendant in that Case expended, in case the Plaintiff be cast in the Suit.

And to the End no honest Debtor that hath not fled from the Place or Country where he contracted his Debt, nor wilfully absconded himself, or fled from Justice, shall be surprized by unnecessary and vexatious Suits at Law,

Be it Enacted, by the Authority, Advice, and Consent aforesaid, That no Person whatsoever, residing or trading in or to this Province, their Executors, Administrators, Agents, Factors, or Assigns, shall, for any Sum or Sums of Tobacco, or Money, due and owing to him by Account upon Book, or otherwise, (and for which the Debtor hath not pass'd his Hand and Seal to such his Creditor) sue and implead such Debtor, his Executors, or Administrators, in any Court of Record within this Province, unless he shall first demand and require the same of such Debtor's proper Person, or otherwise, at the Habitation or Place of Residence of the said Debtor, in the County where he shall dwell: To prove which Demand, the Creditor's or Demandant's own Oath shall be sufficient. And, if the Debtor be not at home to be spoke with, then such Demandant shall leave a Note under the Hand of such Creditor or Demandant, or Those he shall impower to receive the same, with the Time, and to whom the same shall be paid. And if thereupon, the same be not paid accordingly, then it shall and may be lawful for such Creditor to sue and implead such his Debtor, and recover against him all such Costs and Damages, as upon legal Tryal in any Court of this Province, having Cognizance of the Cause, shall be adjudged as before the making this Act.

But in case any Person or Persons shall sue and implead such his Debtor as aforesaid, without making Demand as aforesaid, and the Debtor plead that the Debt was never demanded by such Plea, the Debtor shall be taken to admit the Plaintiff's Declaration to be good, and shall only put the Demand in Issue; which Issue, if the Plaintiff do not join, then the Plaintiff shall be taken to have made

Session Laws no Demand, and shall only have Judgment for his Damages, and shall lose all his own Costs: And if the Plaintiff join in Issue upon the Demand, and it be found against him, then the Plaintiff shall p. 25 lose his own Costs, and pay Costs of such Tryal to the Defendant; yet the said Plantiff shall have Judgment to recover his Debt or Damages for which he sues, or for so much thereof as appears due upon Ballance.

And be it further Enacted, That if any Debtor, or Debtors, be sued by any Creditor or Creditors, for any Sum or Sums of Money or Tobacco, due upon the Debtor's Assumption, or due by Bill or Bond, under the Hand and Seal of the said Debtor, and the Debtor confess the Assumption, or such Part thereof as he shall think fit to plead Discount to, and acknowledge his Act or Deed; but saith further, that he hath an Account of his own against the Creditor, that hath arisen due to the Debtor, since the passing such Bill or Bond, or after such Assumption as aforesaid, which he desires may be discounted; or shall give any Account proved according to the Directions of this Act, and lodged or filed in Court in Evidence upon the General Issue; it shall and may be lawful for the Justices before whom such Matter shall be depending, upon good Proof made of such Account, to cause the same (altho' of a less or inferiour Nature) to be discounted in Court, and give Judgement thereupon against the Defendant for so much only as shall be remaining to the Plantiff; with Cost of Suit: Provided the Ballance exceed Four Hundred Pounds of Tobacco, or Three and Thirty Shillings and Four Pence in the County Court; and Fifteen Hundred Pounds of Tobacco, or Six Pounds Five Shillings Sterling in the Provincial Court; otherwise the Plantiff shall be nonsuited, as by other Laws are provided.

Provided nevertheless, That nothing in this Act contained, shall be construed to give the said Provincial Court any other Jurisdiction, than what is agreeable to the Act of Assembly for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law: Any Thing herein contained to the contrary, notwithstanding. And for the further Declaration of what shall be taken and allowed for Evidence to prove such Bills or Bonds,

Be it Enacted, That the Oath of one or more of the Persons that subscribed as Witnesses to such Bill or Bond, made before One Justice of the Provincial or County Court of this Province, in their respective Counties, or any other legal Evidence, shall be Evidence to prove the Debts, in the Provincial and County Courts of this Province.

Provided nevertheless, That if the Defendant will traverse such Proof, and put it upon the Country for Tryal, it shall be allowed him so to do.

Session Laws

And be it Enacted, by the Authority aforesaid, That an Account of Money, Tobacco, or other Goods, lent or due, and chargeable for Goods sold, Work done, or other Things properly chargeable in Account, which shall arise due after the Tenth Day of March next ensuing, and shall be sworn by the Creditor, (or affirmed if a Quaker) to be just and true, before one Provincial or County Justice, and that he or she hath not directly or indirectly received (to his or her Knowledge) any Part or Parcel of the Money, Tobacco, or other Goods, charged as due by such Account, or any Security or Satisfaction for the same, more than Credit shall be given for, shall be received as good Evidence in any Court of Record within this Province, upon any Tryal, or in any Dispute, before a single Magistrate, concerning a small Debt determinable by him; unless p. 26 the Creditor, or Defendant, shall make appear by lawful Evidence, other than his or her own Oath or Affirmation, that such Account is false in Part, or in the Whole.

And be it likewise Enacted, That it shall and may be lawful for any Debtor or Defendant, in his Defence, to prove an Account by Oath or Affirmation, to be just and true, of Goods deliver'd or sold, Work done, Money paid or deliver'd to the Plantiff or Creditor, toward Satisfaction of the Whole, or Part of the Debt due to such Plantiff or Creditor, or received by such Plantiff or Creditor, to the Defendant or Debtor's Use, after the said Tenth Day of March aforesaid, which have been, or shall be so deliver'd, paid or receiv'd, and for which no Credit is, or shall be given to the Defendant or Debtor; which the Court before whom the Tryal shall be, shall adjudge to be discounted out of the Plantiff's or Creditor's Account, or other Demand; unless the Plantiff or Creditor can prove the same, or some Part thereof to be false, by legal Evidence, as aforesaid.

Provided always, That the Particulars of all such Accounts shall be delivered, as well by the Creditor to the Debtor, as by the Debtor to the Creditor, within Ten Days after the several and respective Articles shall become due to the Debtor or Creditor who shall require the same. And, that the said Accounts shall be proved within Twelve Months after the first Article therein charged shall become due, and not otherwise. And, to prevent either Plantiff or Defendant being surprized,

Be it Enacted, That all Accounts which the Plantiff shall prove, either by his or her own Oath or Affirmation only, or otherwise, shall be filed with the Declaration. And that all Accounts which the Defendant shall prove, either by his or her own Oath or Affirmation only, or otherwise, in his or her Defence, shall be filed with the several Clerks, Ten Days at the least before the Tryal Court; otherwise the Account which shall be omitted to be so filed, shall

Session Laws not be received in Evidence; except that where Declarations shall be sent with the Writs in Order for Tryal the first Court, the Defendant who shall insist on any Account in his or her Defence as aforesaid, shall deliver or send a Copy of such Account to the Clerk the first Day of the Court, who shall receive and file the same.

And be it further Enacted, That an Act intituled, An Act providing what shall be good Evidence to prove Foreign and other Debts, and to prevent vexatious and unnecessary Suits at Law, pleading Discounts in Bar, shall be and is hereby repealed and abrogated.

Provided nevertheless, That it shall and may be lawful for any Person to prove any Account of Goods sold, Money lent, Work done, or other Matters or Articles properly chargeable in Account, which became due at any Time heretofore, or shall become due before the Tenth Day of March next, according to the Directions of the said Act, so as all such Accounts shall be proved as aforesaid, at or before the Thirtieth Day of August, which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty: The Repeal of the said Act, or any Thing in this Act to the contrary, notwithstanding.

p. 27 And be it further Enacted, That any Person who shall wittingly and advisedly swear or affirm falsely to any Account before any Provincial or County Justice, and shall be thereof lawfully convict, by Confession or Verdict, shall suffer the same Pains and Penalties as in case of corrupt and wilful Perjury.

Chap. XXI

An Act for the Preservation of the Breed of Wild Deer.

Whereas it has been represented to this General Assembly, that the Species of Deer hath of late Years been very much lessen'd, occasion'd principally by the Inhabitants shooting, or otherwise destroying them, during the Time of the Female Deer being with young; and which evil Practice, if not put a Stop to, may in a few Years entirely destroy the Species of Deer, to the great Damage of the good People of this Province: For Prevention whereof, it is prayed that it may be enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not, nor may be lawful for any Person or Persons within this Province, (the Indians in Amity with us excepted,) between the Fifteenth Day of January, and the last Day of July, in every Year, to kill any Deer, under the Penalty of Four Hundred Pounds of Tobacco for every such Offence to the Use of the Informer, to be recovered before a single Magistrate (as in Case of small Debts) by the Testimony of one sufficient Witness besides the Informer.

Session Laws

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person in whose Hands or Custody any Deer's Flesh shall be found, that shall appear to have been killed between the Fifteenth Day of January and the last Day of July, shall be deemed, taken, and adjudged to be the Killer of such Deer, and liable to the Penalty aforesaid, unless such Person make appear before a Magistrate, who it was that really killed the same, or from whom such Person or Persons thereof possest, received the same.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it is the true Intent and Meaning of this Act, that the Liberty given to the Indians aforesaid, shall extend only to the killing of Deer for their private Use, and not for Sale; and that it shall not be lawful for any Inhabitant within this Province, under the Penalty aforesaid, to be recovered as aforesaid, for the Uses aforesaid, to purchase any dead Deer, or any Part thereof of any Indian or Indians, within the Time prohibited by this Act to kill Deer in.

An Act reviving and continuing an Act, Intituled, An Act to restrain the ill Practices of Attorneys, and to prevent their taking Money Fees, and ascertaining what Fees shall be allowed to the Practitioners in the Law, who shall attend the Circuit Courts; made at a Session of Assembly, begun and held at the City of Annapolis, the Fifteenth Day of March, Anno Domini One Thousand Seven Hundred and Twenty Five.

Chap. XXII
p. 28
[Continues
1725, ch. 22]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Act, Intituled, An Act to restrain the ill Practices of Attorneys; and to prevent their taking Money Fees, and ascertaining what Fees shall be allowed to the Practitioners in the Law, who shall attend the Circuit Courts; made at a Session of Assembly, begun and held at the City of Annapolis, the Fifteenth Day of March, in the Year of Our Lord One Thousand Seven Hundred and Twenty Five, be, and is hereby revived and continued to be and remain in full Force, Power, and Virtue.

This Act to continue for Three Years, and to the End of the next Session of Assembly that shall happen after the End of the said Three Years.

An Act for the Relief of Thomas Worsley, Hezekiah Clark, and Benjamin Freeman, Prisoners in Anne-Arundel County Goal.

Chap. XXIII

Whereas the said Thomas Worsley, Hezekiah Clark, and Benjamin Freeman, have represented to this General Assembly, that they have a long Time lain in Goal, and that they have not wherewithal

Session Laws to satisfy their Creditors; but that they may be capable, having Time given them, to satisfy their several Creditors,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Mr. James Govane, Sheriff of Anne-Arundel County, do let the said Thomas Worsley at Large, immediately after the End of this Session of Assembly, he satisfying Mr. Richard Snowden a Debt recovered against him, in Anne-Arundel County Court, as he by his Petition has proposed, with Cost; and giving the said Govane his own Bills of Exchange, or Bond, at the Rate of Ten Shillings Sterling per Hundred, for Fees due to the said Govane.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the said Hezekiah Clark, and Benjamin Freeman, be released from their Imprisonment, and be free from any Arrest p. 29 or Execution either against Body or Goods, for Debt or Damages heretofore contracted for, and during the Space of Seven Years, to be computed from the End of this present Session of Assembly, they giving their Creditors Security not to depart this Province, or send their Effects out of the same, for Eight Years after the End of this Session of Assembly; and upon so doing, the said Govane shall permit them to go at large: And lest their Creditors may not approve of, or take Security, that then any Three of the Justices of Anne-Arundel County Court, take such Security as they think fit, in the Name of the Lord Proprietary, to and for the Use of their Creditors; which shall be lodged with the Clerk of Anne-Arundel County Court, for the Use of such Creditor or Creditors.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That if any of the Creditors of the aforesaid Persons shall bring an Action or Actions of Escape against the said Sheriff for any Matter or Thing by this Act required to be done by him, the said Sheriff may enter a common Appearance or Appearances to any such Action or Actions that may or shall be brought against him, and plead thereto the General Issue; and give this Act, or the Exemplification thereof, with the special Matter thereon arising, in Evidence. And in Case, the Plantiff or Plantiffs be Nonsuit, the Defendant shall recover double Costs of Suit: Any Law, Statute, Usage, or Custom, to the contrary, notwithstanding.

Provided nevertheless, That none of the Persons herein before-mentioned, shall have any Benefit or Advantage by Virtue of this Act, unless such Person or Persons claiming to have any Benefit or Advantage, shall, before he or they have such Benefit and Advantage, pay and satisfy, or secure to be paid and satisfy'd, to the Sheriff of Anne-Arundel County, all the Fees due to him, on Account of such Person or Persons Commitment and Imprisonment: Any Thing in this Act to the contrary, notwithstanding. Session Laws

An Additional and Supplementary Act to the several Acts for the Administration of Justice in Testamentary Affairs.

Chap. XXIV [Explanatory act 1735. ch. 17]

Whereas it is necessary, as well to explain several doubtful Clauses in the Acts heretofore made for the Administration of Justice in Testamentary Affairs, as to make Additions to supply some Defects therein,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Negroe, or other Slave, shall be sold by any Executor or Administrator, or reserv'd for his or her own Use, for the Payment of any Debt due or owing to any Executor or Administrator; nor shall any Negroe, or other Slave, be taken in Execution for any Debt due from any Testator or Intestate, so long as there shall be other Goods, which were of such Testator or Intestate, sufficient to satisfy such Execution; the Executor or Administrator shewing such other Goods, which the Sheriff, or other Officer is hereby required to demand.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Justices of the several County Courts, shall, every Court, as well by giving the same in Charge to the Grand-Juries, as by such other Ways and Means as the Truth may be best discover'd, enquire whether any Executor or Administrator hath received and not accounted for any Debts due to the Deceased, or neglected or omitted to receive or recover any Debt or Debts so due; and to call such Executors or Administrators before them: And if, upon Examination and Hearing of such Executor or Administrator, in his or her own Defence, it shall sufficiently appear, that such Executor or Administrator hath received and not accounted for, or neglected to receive or recover, any such Debt or Debts, that the Justices shall order their Clerk to enter the Particulars thereof on Record; which shall be allowed and received in Evidence, in any Suit to be commenced by the Guardian, during the Minority of the Orphan, or by the Orphan at full Age, or by any Creditor against the Executor or Administrator, or by the Ward against the Guardian. p. 30

And be it further Enacted, That the Commissary-General shall be obliged to send Lists of the sperate and desperate Debts, to the County Courts, in the same Manner as Ballances are already directed to be transmitted, the better to enable the County Justices to make the Enquiries required by this Act to be made.

And be it Enacted, That the Justices of Assize shall give it in Charge to the respective Grand-Juries, to enquire whether the Jus-

Session Laws tices of the County Courts duly execute what is required of them, by this and other Acts relating to Testamentary Affairs, &c.

And be it further Enacted, When, and as often as the Justices of the County Courts shall find it necessary to oblige any Guardian, or other Person in Possession of any Orphan's Estate, to give new or better Security for such Estate; that in Case of Refusal to comply with their Order therein, it shall and may be lawful for the said Justices, and they are hereby required, immediately to remove the Person and Estate of such Orphan into other Hands. And in case the Guardian, or other Person as aforesaid, shall not obey such order of Removal, that then, and in such Cases, the said Justices shall and may issue Attachment or other Process against such Guardian or other Person, to answer his or her Contempt; and to commit him or her to Prison, there to remain until the Order of the said Justices shall be fully comply'd with. And that when, and as often as it shall appear to the Justices of the County Courts, that the Guardians of Orphans, and Sureties for their Estates, are Insolvent; and that no Persons will undertake the Guardianship of such Orphans, and give Security for their Estates, it shall and may be lawful for the said Justices, and they are hereby impower'd and required, to take the said Estates into their own Hands, to sell and dispose thereof, (except Negroes and Plate,) for the best Price they can: And also to dispose of the Money and Tobacco arising by such Sale, and the Negroes and Plate to the Orphan's best Advantage, and to take good Security for the same; and also to demise any Lands or Tenements that shall belong to any such Orphan.

And whereas several Persons not being Guardians, have got into the Possession of Lands belonging to Orphans, and demised or occupy'd the same, and received the Profits thereof; Be it enacted, p. 31 That it shall not be lawful for any Person whatsoever, not being Guardian, or not having License from a Guardian, to enter into, possess, or occupy any Lands or Tenements belonging to any Orphan or Orphans, without first applying to the County Court, and obtaining Leave from them, for such Rents as they shall think just and reasonable to be paid to such Orphan or Orphans, on Pain of being Trespassers, and paying treble Damages and full Cost to such Orphan or Orphans, to be recovered by the Guardian, during the Orphan's Minority, or by the Orphan, when at full Age.

And be it likewise Enacted and Declared, That Guardians ought to render an Account to their Wards, of the Surplus of the Profits of their Real Estates, beyond what shall be necessarily expended in the Maintenance and Education of such Ward; and to secure the same, as this Act directs other Parts of Orphans Estates to be secured.

And be it further Enacted, That when, and as often as any County Court, shall, by the Presentment of any Grand-Jury, or otherwise be informed, of any Waste being done by any Guardian upon any Orphan's Estate, to issue their Warrant to cause such Guardian to appear before them; and if, upon the said Guardian's Appearance before them, and being heard in his or her Defence, or Refusal to appear, being summoned, such Information shall appear to be true, the said Justices shall order the Sheriff with all possible Speed, to summon a Jury upon the Place where the Waste shall be committed, to enquire upon their Oath into the same, and of what Damage such Waste shall be to such Orphan; which being returned to the said Justices, they are hereby required to oblige the Guardian to give Security for double the Damages that shall be assessed by such Jury: And in Case of Refusal, to commit such Guardian to Prison, there to remain until he or she will comply with their Order therein. Session Laws

And whereas some Doubts have arisen concerning the Rights of Widows, to the Real and Personal Estates of their deceas'd Husbands: For avoiding all such Doubts,

Be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in such Case, where the Testator bequeaths or devises a considerable Part of his Personal Estate to his Wife; and it appears not in any Part of his Will or Codicil, that he intended the said Devise as a Legacy only to his Wife; and that she might nevertheless, have a Third Part of his remaining Estate, it shall be at the Election of such Wife, Widow, or Relict, within Forty Days after the Probat of such Will, to make her Election before the Judge for Probat of Wills, or the respective Deputy-Commissary in each respective County, whether she will be content with such Devise, or will have her Thirds, and release the Devise; and if she make Choice to have what is so bequeathed or devised to her, then, by that Choice, she shall be for ever barred from claiming her Third Part aforesaid; and if she renounce what is so bequeath'd and devised, she shall then have her Third Part aforesaid, and be barred of her Devise; but shall not claim or have both: But in Case, such Widow shall neglect to make such Election within the Time aforesaid, she shall then be concluded by what shall be bequeathed to her by her Husband, and shall not have or claim any more of his Personal Estate, than shall be so bequeathed.

Provided always, That such Part of the Personal Estate or Estates so bequeathed, shall be liable to pay the Debts of the deceased, as other Part of the Estate is or ought to be; and if such Wife or Relict have any Part of her Husband's Lands or Real Estate of Inheritance devised to her by her Husband; and that it do not appear by any Part of the Will, that he intended her such a Part of his Real Estate aforesaid, and her Dower out of the rest of his Real Estate besides, then it shall be lawful for such Widow, or Relict, to make her Election as aforesaid, within the Time aforesaid, whether p. 32

Session Laws she will accept of such Devise, or the Third Part of all her Husband's Real Estate, of which she is endowable; and if she accept of her Devise, she shall be for ever debarred of her Dower out of the rest of the Testator's Real Estate; and if she accept of her Dower, then such Acceptance shall be adjudged a full Recompence of her Devise aforesaid: But in Case she shall neglect to make such Election within the Time aforesaid, she shall then, by such Neglect, be concluded by what is devised to her, and shall be thereby barred of her Dower of such deceased's Real Estate, unless it shall appear to be the Design of the Devisor, that such Widow shall have both Devise and Dower: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And be it Enacted, That where any Person being a Protestant, who shall die and leave a Widow and Children, and such Widow shall intermarry with a Papist, or be her self a Papist, that it shall and may be lawful for the Justices of the County Courts, upon Application, to remove such Child or Children out of the Custody of their Mother, and place him, her, or them, where he, she, or they, may be securely educated in the Protestant Religion; and to allow the Interest of such Orphan's Estate, or such Part thereof, as may be necessary for his, her, or their Support. And that the like Care be taken, that all Children, whose Fathers died in, or professed themselves to be of the Communion of the Church of England, be educated and instructed in the Doctrine and Principles of that Church.

Provided always, That any Person who shall think him or herself aggrieved by the Justices of the County Courts, in the Premisses, may appeal to the Governour and Council, who may hear and finally determine the same.

And be it further Enacted, by the Advice, Consent, and Authority aforesaid, That the Commissary General shall be obliged to send the Lists of the Names and Sirnames of Sureties, with their Places of Abode, to the several County Courts, with the Accounts of Ballances required to be transmitted, by the Act, Intituled, An Act for the better Administration of Justice in Testamentary Affairs, granting Administrations, Recovery of Legacies, securing Filial Portions, and Distribution of Intestates Estates.

And be it further Enacted, by the Authority aforesaid, That Executors or Administrators shall proceed in the Payment of Debts, in the same Manner as they have been, and are obliged by the said last mentioned Act, Intituled, An Act for the better Administration of Justice in Testamentary Affairs, &c. without any other Preference to Debts due to His Sacred Majesty, his Heirs or Successors, or to the Lord Proprietary, his Heirs or Successors, than to such Debts as are or shall be due to His Sacred Majesty, his Heirs or
p. 33 Successors, or to the Lord Proprietary, his Heirs or Successors, for

the proper Use and Benefit of them or either of them: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

Session Laws

And whereas, by the Laws of England, the Age is not allowed to any but the Heir at Law; and it appears to this General Assembly, that Children, other than the Heir at Law, are within the same Reason; and the allowing thereof here, will be advantageous to Minors,

Be it Enacted, by the Authority aforesaid, That all Persons under the Age of Twenty One Years, who shall hereafter be entitled to any Lands, Tenements, or Hereditaments, by Purchase, shall not be obliged, during their Minority, to answer any Suit or Ejectment in Relation to the said Lands, Tenements, or Hereditaments, any more, or otherwise than they would be, if such Lands, Tenements, or Hereditaments, became their Right by Descent.

And be it further Enacted, by the Authority aforesaid, That every Administrator obliged by the Act, Intituled, An Act for the Application of such Intestates Estates as leave no legal Representatives, &c. to pay the Ballance of the Estate to one of the publick Treasurers, shall hereafter be obliged to pay and satisfy the Ballance of such Estate, to the Visitors of the publick School of the County, where the Deceas'd resided, in the same Manner as such Administrator should have been obliged by Law to pay the same to any legal Representative. In Case any such should have appeared to be apply'd to the Use of such School, save that by the Acts now in Force, sundry Particulars of the Goods and Chattels are directed to be paid in Specie, according to Appraisement, to the legal Representatives; In this Case, such Administrator shall pay the said Ballance of such Estate in Current Money, or in Specie, at the Direction of the Visitors: For the Payment whereof, if in Current Money, he shall be allowed Ten per Cent. if in Specie, Five per Cent. and no more.

Provided, That in Case such Administrator be of Kin to the Deceas'd, within the Fifth Degree of either Consanguinity or Affinity, then such Administrator, and all others, that are as nearly related to the Deceas'd, as such Administrator, shall have as good a Right to such Residue, as if he or they were Brothers or Sisters Children to the Deceas'd: And such Ballance shall be distributed accordingly.

Provided nevertheless, That in Case there be a Widow, no Collaterals shall be admitted, other than these directed by this Act; but such Widow shall have the whole Residue of such Estate: Any Thing herein before contained to the contrary thereof, notwithstanding.

Provided nevertheless, and be it Enacted, by the Authority, Advice, and Consent aforesaid That in Case such Residue shall hap-

Session Laws pen to be paid to such Visitors as aforesaid, in Default of legal Representatives as aforesaid: And that any legal Representatives of no remoter Degrees, amongst Collaterals, than Brothers or Sisters Children, shall at any Time appear and prove him, her, or themselves, to be such legal Representatives, that then the Visitors that p. 34 received the Residue of such Estate, or their Successors, if it shall be in their Hands, shall restore the same to such legal Representative or Representatives: And if such Residue shall be actually apply'd to the Use and Support of the Publick School, that then the Publick Stock of such School, in the Hands of the Publick Treasurers of this Province, or either of them, shall be liable to make Satisfaction to such Representative or Representatives of such Residue; and that the said Visitors shall give an Order to such Representative or Representatives for the same, on the Publick Treasurers; who shall be obliged, by Virtue of this Act, and such Order, to pay the same out of the Publick Stock of such School, if so much in their Hands, if not, so much as shall be in their Hands; and the Residue, when they shall receive so much to the Use of such School. And if the Administrator shall be obliged to pay any further Debt or Duties that were due from the Deceas'd, such legal Representative receiving the said Residue, shall refund to such Administrator the Value of what such Administrator shall be obliged to pay as aforesaid; provided the same doth not exceed the Residue received by such Representative: Any Thing in the said Act, for the Application of such Intestates Estates, &c. to the contrary, in any wise, notwithstanding.

And forasmuch as Disputes have arisen, whether the Act of Limitation extends unto Actions brought upon Testamentary and Administration Bonds:

Be it further Enacted, by the Authority, Advice, and Consent aforesaid, That all Actions upon Administration and Testamentary Bonds shall be commenced within Twelve Years after the passing of the said Bonds, and not after.

Provided always, That nothing in this Act shall be construed to bar any Person within the Age of Twenty one Years, Feme Covert, Non Compos Mentis, or Imprisoned, or Persons beyond Seas, from bringing an Action or Actions, within Six Years after their coming to, or being of full Age, Uncovert, sound Memory, at large, or returned from beyond Seas, upon any Administration or Testamentary Bonds.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the several County Courts of this Province, shall, and are hereby impowered and required as often as the Sureties, or any of them, or their, or any of their legal Representatives, on any Administration or Testamentary Bond or Bonds, passed for any Guardian, shall petition the said Court for Counter Security, to keep him, her, or them, indemnify'd from such Bonds; and make appear to the Satisfaction of such Court, that he, she, or they, is or are in danger of suffering thereby, to cause the said Executors, Administrators, or Guardians, to give the said Petitioner or Petitioners sufficient Counter Security, to indemnify him, her, or them, from such Bonds: And in Case the said Executors, Administrators, or Guardians shall refuse or neglect to do the same, to cause Attachment against his, her, or their Bodies, to be issued, to compel him, her, or them thereto. And in Case such Executor, Administrator, or Guardian, shall not be able, or shall refuse or neglect to give such Security, it shall and may be lawful for such County Court, and they are hereby required, to order such Estate, or such Part thereof, as shall be left in the Hands of the said Executor, Administrator, or Guardian, to be delivered into the Hands of the said Sureties, or their, or either of their legal Representatives; who are hereby impowered, by Process of Attachment or Distress, to be issued out of the said Court, to take and possess themselves of the same: And on Receipt thereof, shall be obliged to return an Account of what they shall so receive, to the said County Court, appraised upon Oath, by Two indifferent Persons to be appointed by the said Court; and the said Executor, Administrator, or Guardian, shall be discharged of so much as the said Sureties, or their, or either of their legal Representatives shall receive, by Virtue of such Order or Process.

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p. 35

An Act to prevent rigorous Prosecutions on Sheriffs, Testamentary, Administration, and Deputy-Commissaries Bonds.

Chap. XXV

Whereas it is represented to this General Assembly, that Sheriffs and Testamentary Bonds are frequently put in Suit, in the Provincial Court; and that the Persons causing such Bonds to be sued upon their obtaining Judgments, frequently issue Executions for the whole Penalties contained in such Bonds, with Direction to the Sheriff, or Coroners, to release the Party executed, upon Payment of what the Creditor alledges his Demand to be.

And whereas an Act of Parliament made the Eighth and Ninth Years of King William the Third, Intituled, An Act for the better Preventing frivolous and vexatious Suits, does not fully provide for the Evils complained of,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not be lawful for any Person or Persons, causing such Bonds to be sued, to proceed to Judgment, untill the Creditor or Creditors, clearly make appear to the Court, what his, her, or their Demand is, or are; which Court may, and they are hereby impowered, upon the Defendants having Notice given him, her, or them, or Notice left at the Place of his, her, or their last

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Place of Abode, Twenty Days before the Court, in which the Plantiffs apply, for such Debt or Demand to be assessed; as also a Copy of the Nature of his, her, or their Demand, attested by the Clerk to assess such Damages, or appoint Auditors to adjust such Demands; whereupon it shall be lawful for such Court to give Judgment to such Creditor or Creditors, on such Bond in usual Manner: But that Execution only issue for such Sum as shall be made appear to be due, unless the Party at whose Request such Bond be sued, or the Defendant or Defendants apply to the Court, praying a Writ of Enquiry; which, if either Party prays, shall be issued by the Court, to be proceeded in, according to the Directions of the aforesaid Act of Parliament; and that Execution issue for no more than found by the Jury, with Costs and interest, 'till Payment made or tender'd. And that where any such Bond is proceeded on to Judgment, no other Creditor shall come in for any Part of the Penalty under Pretence of any Thing being due to such Creditor, without sending a Scire Facias to be served, which Scire Facias shall be sued within p. 36 Eighteen Months after such Recovery, and not after; on the Defendant or Defendants. In which Scire Facias, shall be contained the Nature of such Creditor or Creditor's Demand, and the Sum due.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Actions hereafter to be brought on Sheriffs Bonds hereafter to be passed, shall be sued or brought within the Space of Five Years after the passing such Bond, and not afterwards: And all Actions hereafter to be brought on Sheriffs Bonds heretofore enter'd into, shall be brought and commenced within Three Years after the End of this present Session of Assembly, and not afterwards.

Provided, That this Act, nor any Thing herein contained, shall bar his Sacred Majesty, his Heirs and Successors, nor the Right Honourable the Lord Proprietary, his Heirs and Successors, from suing in their own Right at any Time: And, if any Person entitled to sue such Bond, shall be at the Time of any Cause of Action on such Bond, under the Age of One and Twenty Years, Feme Covert, Non Compos Mentis, Imprisoned, or beyond the Sea, that then such Person or Persons shall be at Liberty to bring his, her, or their Action within the Space of Five Years after such Impediment remov'd, as other Persons having no such Impediment might or should have done.

Chap. XXVI [Supplements 1728, ch. 23]

A Supplementary Act to the Act, Intituled, An Act, to prevent the Abuses of concealing convicted Felons, and other Offenders imported into this Province; and for the better Discovery of them.

Forasmuch as it appears to this General Assembly, That the Oath or Affirmation prescribed by the before recited Act, to be taken by any Person importing or bringing into this Province any Servant or Servants, is too extensive, and includes a Discovery of Offences never intended by the said Act. Session Laws

Be it Enacted and Declared, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Masters of Vessels, and other Persons whatsoever, bringing any Servant or Servants into this Province, by Land or Water, shall only be obliged to declare to the Naval Officer of the Port or District, into which such Servant or Servants shall be imported or brought, upon Oath (or Affirmation if a Quaker) to the best of their Knowledge, whether such Servant or Servants be then under the Sentence of Transportation; and if so, for what Offence, and the Term of Years they have to serve: Any Thing in the said recited Act to the contrary thereof, in anywise, notwithstanding.

An Act impowering a Committee to lay, assess, and apportion the Publick Levy for this present Year One Thousand Seven Hundred and Twenty Nine. Chap. XXVII p. 37

Whereas this present General Assembly have, for the defraying the Publick Charge of this Province, to the Eighth Day of August Instant, raised a certain Sum of Tobacco and Money amounting to Three Hundred and Fifty Three Thousand Four Hundred and Fifty Two Pounds of Tobacco; and Three Hundred and Thirty One Pounds, Nineteen Shillings and Six Pence Current Money, as by the Journal of the Committee of Accounts appears: But by Reason more Publick Charges may arise and grow due before the usual and accustomed Time of Payment, which is the Tenth of November yearly; at which Time, again to call and convene the whole Assembly for that Occasion only, considering the great Number of them, and the Remoteness of their Habitations from the Place appointed, would be very chargeable and troublesome to the whole Province in General:

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Honourable Edward Henry Calvert, Esq; Col. William Holland, John Hall, Philemon Lloyd, and Benjamin Tasker, Esqrs; Members of his Lordship's Honourable Upper House of Assembly, and the Honourable Col. John Mackall, Mr. Philip Key, James Harris, Esq; John Beale, Esq; Col. John Fendall, Mr. George Dashiell, James Hollyday, Esq; Col. William Ennalls, Mr. William Hamilton, Mr. Joshua George, Mr. Ralph Crabb, and Mr. William Hemsley, of the Honourable Lower House of Assembly, or the major Part of them, be and appear at the City of Annapolis, the

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Fourth Tuesday of October next, then and there to lay and assess the Publick Levy already raised; and also to allow, levy, and assess what further Charges may accrue, which to them shall justly appear to be due from the Publick, not exceeding Two Hundred Thousand Pounds of Tobacco, and Five Hundred Pounds Current Money of this Province, more than what is already raised: And likewise to apportion, order, and pay out of the Publick Treasury of this Province, the Sum of Three Hundred and Thirty One Pounds, Nineteen Shillings, and Six Pence Current Money of this Province, to the several Persons to whom the same shall be due, as by the Journal of the Committee of Accounts, appears: And a fair Journal of all their Proceedings to be delivered to the Clerk of the Lower House of Assembly, for Satisfaction of all Persons therewith concern'd, by the Thirtieth Day of November next. And if it shall happen, that his Excellency shall please to convene an Assembly before the Fourth Tuesday of October next aforesaid, then this present Act, and every Clause therein contained, shall be Void and of no Force.

ACTS

PASSED BY THE

GENERAL ASSEMBLY OF MARYLAND

1714–1726

NOT PREVIOUSLY PRINTED IN THE

ARCHIVES OF MARYLAND

ACTS

NOT PREVIOUSLY PRINTED

1714–1726

An Act Reviving and Continuing an Act of Assembly of this Province, entituled An Act for the Ordering and Regulating the Militia of this Province, for the better Security and Defence thereof, and for Supplying some Defects therein.

Session Laws 1714 Chap. III [Evan Jones' compilation printed by Bradford, 1718, p. 75, continues 1704, ch. 87; ch. I, II, IV, V, of Acts this Session printed in Vol. 29 of Archives, beginning at p. 439]

Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of her Majesty's Governour, Council and Assembly of this Province, and the Authority of the same, That the above-mentioned Act, entituled, An Act for Ordering and Regulating the Militia of this Province, for the better Security and Defence thereof, made at a General Assembly begun and held at the Port of Annapolis, the Fifth Day of December, One Thousand Seven Hundred and Four, be and is hereby Revived and Continued in full Force and Strength for the Term of three Years, and until the End of the first Session of Assembly that shall happen after the End of the said three Years.

And whereas by the said Recited Act there is not Sufficient Provision made to Punish such Persons as shall Neglect to appear at Musters, and who are Subject to some Fines, which Fines, by the said receited Act, are only to be levied by Execution against the Goods and Chattles of such Persons for their Contempt, which is not so Effectual, as it would be if such Execution were as well to be awarded against the Bodies of such Persons as their Goods.

Be it therefore Enacted by and with the Advice and Consent aforesaid, That from and after the End of this present Session of Assembly, where any Person or Persons, by the before-recited Act are subject to be fined by any of the Collonels, Lieut. Collonels, Majors or Captains, no Execution shall Issue against the Body or Goods of such Person or Persons, but upon Complaint to the Collonel, Lieut. Collonel and Major, or any two of them, where such Offence is committed, and Complaint made, who upon Hearing the Allegations of both parties shall give Judgement thereupon, and if need require Issue Execution to the Sheriff of the County against the Body or Goods of such Delinquent or Delinquents, for such Fine

Session Laws or Fines, any Law, Statute, Usage or Custom to the contrary notwithstanding.

1715 Chap. IV [Bacon's Laws] [Ch. I, VII–XIX, XXII–XXXIV, and XXXVI–XLIX, of Acts this Session printed in Vol. 30 of Archives, beginning at p. 225]

An Act for vesting in the Rector, Governors, and Visitors of Free-Schools, and their Successors for ever, a certain Lot of Land in the City of Annapolis, and an House thereon erected, commonly called the Kentish House; and impowering the said Rector and Visitors more easily to transact the Business of the said Free-Schools.

Whereas in the Year of our Lord God One Thousand Six Hundred Ninety and Six, the Honourable Francis Nicholson, Esq; his then Majesty's Captain-General, and Governor in Chief in and over this Province, excited by a laudable Zeal and pious Inclination of promoting a Free-School within the Town and Port of Annapolis, and being possessed of three Lots of Land in the said Town, lying to the Foot of the Stadt-House Hill, on the Eastward thereof, did not only freely give and bestow one of the said Lots lying to the Southwest Side of the said Lots, but also the Sum of Ten Pounds Sterling for and towards an House to be built thereon, but did also prevail with a certain Anthony, alias William Workman, formerly of Kent-Island, but then of Annapolis, Inn-holder, to advance, give and bestow One Hundred and Fifty Pounds Sterling more, for and towards the Building of the said House or Tenement on the aforesaid Lot: And together with the said Workman, and a certain William Freeman, of Philadelphia, Bricklayer, entered into Articles for the Building and Erecting the said House, to be held and enjoyed by the said Workman, during his natural Life, and afterwards to remain over to the Use of the Free-Schools. In pursuance whereof the said House was erected on the Lot aforesaid, and the said Anthony, alias William Workman, in Consideration of his Money so advanced, by Ordinance of the General Assembly had Liberty and Licence granted to him to keep an Ordinary in the said House, during his natural Life, free and discharged from the Payment of the Fine then imposed by Law therefore. And the further to corroborate and assure the said Lot and House to the Rector, Governors and Visitors and their Successors forever, to the Use aforesaid, by an Act of Assembly made at the said Town and Port of Annapolis, in Ann-Arundel County, in the Month of July, in the Year aforesaid, entitled, An Act for keeping good Rules and Orders in the Port of Annapolis, it was, among other Things, therein Enacted, by the Authority of the said Assembly, That all those Deeds, Obligations, Writings and Evidences, made by and between his Excellency Francis Nicholson, Esq^{r}, Captain General and Governor of this Province, on the one Part, and Anthony Workman, of Kent-Island, in the County of Talbot, of the other, and William Freeman, Bricklayer, of Philadelphia in Pensylvania, of the other Part, concerning a Lot of Land in the said Town, and building an House thereon, to the Use of the said Anthony Workman, during his natural Life, and after his Decease to the Use of the Free-School of the said Town forever, bearing Date the Eighth Day of June One Thousand Six Hundred Ninety and Six, and ordered to be recorded in the Journal of the Governor and Council, and of the House of Delegates of that General Assembly, should be of absolute and full Force, and available in Law, to the Uses therein expressed, according to the true Intent and Meaning thereof, any defect in Form, or want of Form in the same, notwithstanding. But forasmuch as the said Deeds, Obligations, Writings and Evidences, upon Search, are not found to be recorded in either of the said Journals, they being defaced and torn, or can otherwise be discovered or found; the present Rector, Governors and Visitors of Free-Schools have prayed, that, in order to confirm the said Lot, House and Tenements, to them and their Successors for ever, to the Use aforesaid, it might be Enacted

II. And be it Enacted, by the King's most excellent Majesty, by and with the Advice and Consent of his Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That the aforesaid Lot and Houses, or Tenements thereon erected, shall, in all Times to come, be deemed, reputed and taken, to be and remain, and be invested and remain in the aforesaid Rector, Governors and Visitors of the Free-Schools, and their Successors, as in an indefeasable Estate in Fee-simple, for ever, to the Use of the Free-School in the City of Annapolis, and to no other Use, Intent or Purpose whatsoever; the want of the said Articles, Writings, or Evidences, or any other Grant or Conveyance of the aforesaid Lot, from the said Francis Nicholson, Esq; notwithstanding.

III. And inasmuch as the said Rector, Governours and Visitors lie under great Difficulties in procuring a Meeting of a competent Number of the said Governors and Visitors, as by the present Law for the Free-Schools, is directed to meet and consult, and make Orders, for the better Management of the said Schools, the Appurtenances and Incidents thereto; Be it therefore Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful for the said Rector, and any Number of the said Governors and Visitors, not less than Five, on any Special Occasion so requiring, to meet together, consult, direct, and manage the Affairs of the said Schools, and execute the several Powers and Authorities in the aforesaid Act prescribed, without being under the Necessity of having the Majority of the Members of the Corporation present at such Meetings: And that such Orders, Rules and Directions, as shall by the Rector and such Number of the Visitors aforesaid, not less than Five as aforesaid, made and given, shall be of as good Efficacy and Force as if they were made and given by the Majority

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of the Members of that Corporation; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

1716 Chap. II [Evan Jones' compilation printed by Bradford, 1718, p. 182, ch. I, III, V, XI, XVI, XX, XXI of Acts this Session printed in Vol. 30 of Archives, beginning at [p. 607]

A Supplementary Act to the Act for killing Wolves, Crows and Squirrels.

Be it Enacted by the Right Honourable, the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That after the end of this present Sessions of Assembly, whensoever any Heads of Crows or Scalps of Squirrels shall be, by any Person or Persons, within the Several and respective Counties within this Province, brought to any Justices of the several Counties, in Order to have a Certificate thereof, according to the Directions of the said Act for killing Wolves, Crows, and Squirrels, to be produced to have an Allowance of the respective Sums allowed by the aforesaid Act, such Person or Persons so requiring any such Certificate, as aforesaid, shall first make Oath before such Magistrate, or make other sufficient proof, as such Magistrate shall allow of, that the Crows or Squirrels (whose Heads or Scalps shall be so brought before such Magistrate) were actually killed within the County where such Magistrate shall reside, and not by any Indian or Indians; upon the making which Oath, or producing other Proof, as aforesaid, (and not otherwise) it shall and may be Lawful for such Magistrate to sign a Certificate, as aforesaid, to burn, or cause to be burned, the Heads or Scalps of any such Crows or Squirrels as shall be so brought before him, any thing in the afore-mentioned Act to the contrary notwithstanding.

Provided always, That no Magistrate shall allow or give a Certificate for any Heads or Scalps of any Crows or Squirrils that shall, after the end of this Session, be killed or destroyed by any Indian or Indians, altho' they were Actually killed within the County where such Magistrate shall reside. This Act to continue for so long a time as the said Act for killing Wolves, Crows and Squirrels continues and no longer.

1716 Chap. XIX [Evan Jones' compilation printed by Bradford, 1718, p. 181]

An Act to Confirm his Lordship's Acceptance of the Eighteen Pence per Hogshead formerly raised.

Whereas at a Session of Assembly begun and held at the City of Annapolis the Twenty Sixth Day of April, Anno Domini Seventeen Hundred and Fifteen, It was Enacted, That from and after the Twenty Ninth Day of September, Seventeen Hundred and Fifteen, that there should be raised, levyed and collected for every Hogshead of Tobacco which should be ship't in any Ship or Vessel to be Exported out of this Province, or any the Territories, Islands, Ports, Rivers, Creeks or Places thereunto belonging, the Sum of Eighteen Pence Sterling, and for every Hundred Weight of Tobacco exported in Box, Chest, Barrel or Case, Three Pence Sterl. and so, pro Rato, for a greater or lesser Quantity, to the King's Most Excellent Majesty, his Heirs and Successors, to be applyed to the Use of and paid to the Right Honourable Benedict Leonard Lord Baltemore, Lord Proprietary of this Province, in case he should be favourably pleased to accept the same, In Consideration of his receiving his Quit-Rents and Alienation Fines, during the continuance of said Act, in Tobacco at the Rate of Two Pence Sterling per Pound.

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But Forasmuch as it hath pleased Almighty God that the said Benedict Leonard, late Lord Proprietary of this Province, departed this Life before his pleasure was known, whether he would accept the Imposition aforesaid, in Consideration aforesaid; And now that his Excellency the Governour has signified to this General Assembly, that the Right Honourable Charles Lord Baltemore, present Lord Proprietary of this Province, is willing to accept of the said Impost, upon the said Considerations that was proposed to his Deceased Father,

Be it therefore Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That all such Sums of Money as have been or shall be raised by the said Duty or Impost, during the continuance of the afore-mentioned Act, shall be paid by the Treasurers of this Province, or others, in whose Hands the same are lodged, to the Right Honourable the Lord Proprietary or his Agent, or to such other Person or Persons as are or shall be Legally appointed by his said Lordship to receive the same (the Charge of Collection thereof, due to the Naval, or other Officers that first collected the same, being first deducted) such payment being in full Recompence and Satisfaction of and for his Lordship's Acceptance of his Quit-Rents and Fines for Alienations in Tobacco at Two Pence Sterl. per Pound, according to the true intent and meaning of the said before mentioned Act.

An Act for the Continuance of the Process within this Province, on the Change of the Government from the Crown, to the Right Honourable the Lord Proprietary; and for the Adjournment of several County-Courts, from August, Seventeen Hundred and Sixteen.

1716
Chap. XIV
[Evan Jones' compilation printed by Bradford, 1718]

Whereas before his Majesty was graciously pleased to restore to the Right Honourable the Lord Proprietary of this Province, the Government thereof, all Writs, Precepts, Process and Judicial Proceedings whatsoever, and all Courts of Judicature held within this Province, were in his Majesty's Name and Stile, or in the Name or Stile of her late Majesty Queen Anne, of Blessed Memory, Session Laws which since the Restoration thereof to his Lordship, have been in his Lordship's Name and Stile; and for that it is the Intent of this present General Assembly, that no Disappointment or other Inconvenience should arise to any Suitors by Pretence of any Discontinuance, or other Error, or cause of Exception by Means or Occasion of the aforesaid Change of Government, It is humbly prayed that it may be Enacted,

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That all Pleas, Suits or other Prosecutions or Proceedings whatsoever, in any Court of Judicature within this Province, that were commenced or depending before the Government of this Province was restored to his Lordship, and remained undetermined, until and after the same Government was restored as aforesaid, shall be, and are hereby as effectually continued, to all Intents, Constructions and Purposes whatsoever, as if no such Alteration or Change of Government had ever happened; any Defect or Error in such Proceedings by being in his present Majesty's or her late Majesty's Names and Stile, when they ought to have been in his Lordship's Name, any Want of Authority in such Courts, or other Error or Defect occasioned by the said Change of the Government only, or any Law, Statute or Custom to the contrary notwithstanding.

And be it further Enacted, That the Proceedings of the several Courts of Judicature within this Province, until this Time, be and are hereby confirmed, so that no Advantage shall be taken of any Want of Authority, Defect or Error on such Proceedings, occasioned by such Change of the Government only, but that all such Defects and Errors be and are hereby perfectly aided, according to the true Intent and Meaning of this Act; any Law, Statute, Usage or Custom to the contrary notwithstanding.

And forasmuch as sundry the Justices of the Quorum in several of the Counties of this Province, are Members of the Lower-House of Assembly, and whereas the several County-courts of this Province are appointed to be holden in the Month of August, so that either such Justices must leave the said House and Service of their Country, or that such County-courts must fall for want of their Attendance, unless provided against by a Law.

Be it Enacted, by the Authority, Advice and Consent aforesaid, That in case there shall not appear, or have not appeared a sufficient Number of Justices at the Time and Place appointed for the holding the County-court in the several Counties within this Province, to adjourn such County-courts regularly and legally, according to the Tenor of their Commissions, and the Act of Assembly of this Province, in this case made and provided, That then and in such Case, every such County-court shall be and stand hereby adjourned from the appointed Day in August, until such Day in November following as such Court ought to have been adjourned to; any Law, Statute or Custom to the contrary notwihtstanding.

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An Act for regulating of Ordinaries, for the better regulating of Ordinary-Keepers and Inn-holders within this Province, for the Future.

1717
Chap. I
[Evan Jones' compilation printed by Bradford, 1718, continued by 1720, ch. 14]
[Ch. II, VIII, X, XIII, XIV, XV of Acts this Session printed in Vol. 33 of Archives, beginning at p. 107]

It is thought necessary a Fine be imposed on every Person that shall be Licensed to keep an Ordinary or House of Publick Entertainment: And forasmuch as many tedious and chargeable Debates have happened concerning the Application of those Fines, which the Representatives of the good People of this Province have hitherto insisted could not be made without their Assent thereto, in a Law, which the Delegates and Representatives as aforesaid, in this present General Assembly cannot depart from: But for that, this present General Assembly are fully sensible how deeply they are engaged to his Lordship the Right Honourable the Proprietary, for his so generous and ready a Complyance with the most Important of our late Humble Requests, in committing the Care of all his publick and private Affairs within this Province, intirely into the Hands of well affected Protestants, to the Disappointment of others, and much to the Peace and Satisfaction of his Majesties most affectionate Subjects, It is humbly hoped his Lordship will be favourably pleased to accept of our Readiness in laying the Fines proposed on the Ordinary Licences, as a grateful Acknowledgment of his Lordship's Goodness, and the Benefits we have received by such his Lordship's Administration; and that it may be enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the Publication hereof, the Justices of each County, in Court sitting, be and are hereby impowered and authorized, from Time to Time, as often as Need shall require, to grant Licences to such Person or Persons as they shall think fit to be Ordinary-Keepers and Inn-holders, for keeping Ordinaries and Houses of Entertainment, so long a Time, and in such and so many Places in their several and respective Counties, for the Ease and Convenience of the Inhabitants, Travellers and Strangers, as to them respectively shall seem meet; for which Licences the said Persons, that shall be licenced to keep Ordinaries as aforesaid, shall at the Time of his and their taking such Licences, enter into Recognizance to his Lordship the Lord Proprietary, for the Payment of the several and respective Sums following, (That is to say,) For every Licence to keep Ordinary in the City of Annapolis, the Sum of One Thousand Pounds of Tobacco to his Lordship, and at any

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other Place within this Province, the Sum of Five Hundred Pounds of Tobacco for every Year such Person shall keep Ordinary as aforesaid, to be paid as aforesaid; for which said Licence and Recognizance, the Party or Parties taking the same, shall pay to the Clerk of each respective County-court, the Sum of Thirty Pounds of Tobacco, and no more.

And be it further Enacted, by the Authority aforesaid, That the Justices of the several County-courts, be, and are hereby authorized and impowered, at their several County-courts in the Month of August Yearly, or oftener as they shall think fit, and every Year, having summoned each respective Ordinary-Keeper within their respective Counties, then and there to set and assess the Rates and Prices of all Liquors and other Accommodations whatsoever, by them the said Ordinary-Keepers to be vended for the Year ensuing, and so Yearly and every Year; which Rates and Prices of all Liquors so to be set and assessed, limited and appointed by the Justices aforesaid, shall be by their several and respective Clerks transcribed, and set up at the several and respective County-courts in some publick Places there, that every Person or Persons may peruse the same; the Copy of which Table of Prices of Liquors and Accommodations, every Ordinary-Keeper within each County, are hereby obliged to transcribe fairly, and keep the same set up in the most publick Places of their Houses, for the Perusal of all Persons that receive any Ordinary Accommodations from them, under the Penalty of One Thousand Pounds of Tobacco to his Lordship, his Heirs and Successors, to be applyed towards the Maintaining a publick School in such County where such Fines shall become due; to be sued for on Non-Payment thereof, in his Lordship's Name; for which Summons and Table of Prices, every Ordinary-Keeper shall pay to such Clerk the Sum of Twenty Pounds of Tobacco, and no more: And every Ordinary-Keeper or Inn-holder that shall, after the setting up and assessing the Rates and Prices aforesaid, directly or indirectly, take, exact, demand or receive for the Price and Pay for any such Liquors, or other Accommodations, for which the Rates and Prices shall be assessed and set as aforesaid, of any Person or Persons whatsoever, above the Rates and Prices so set and assessed as aforesaid, shall for every such Account sued for, taken or received, forfeit and pay the Sum of Five Hundred Pounds of Tobacco, one Half thereof to his Lordship, his Heirs and Successors, to be applyed to the Use aforesaid, and the other Half to him or them that shall inform or sue for the same; and loose every such Debt or Account sued for, taken or received, so unjustly charged, exacted and demanded; the said Forfeitures to be recovered in any Court of Record within this Province, by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

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And be it further Enacted, by the Authority aforesaid, That every Ordinary-Keeper or Inn-holder to be licenced as aforesaid, shall within Six Months after granting their respective Licences, be hereby obliged to provide and maintain, if they keep Ordinary at the Court-House in any County, Four good and substantial Beds, or at the City of Annapolis aforesaid, Six good and substantial Beds, over and above what is for their own Families Use, with sufficient warm Covering for the same, together with Accommodations of Oats, Hay and Straw for Litter, and Indian Corn, with Stabling for Ten Horses at least; And if any Ordinary be kept at any other Place or Part of the County than at the Court-house, such Ordinary-Keeper shall within the Time aforesaid, be provided with Two spare Beds with Covering, and sufficient Stabling and Provender for Six Horses at least, under the Penalty of Two Thousand Pounds of Tobacco, One Half thereof to his Lordship, his Heirs and Successors, to be applyed for the Use aforesaid, the other Half to him or them that shall inform or sue for the same; to be recovered by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

Provided always, That no Person or Persons so licenced, or to be licenced to keep Ordinary as aforesaid, shall, during the Time of such their keeping Ordinary, be Delegates, Justices of the Peace, Attornies, Deputy-Commissaries, Clerks, Sheriffs, Deputy-Sheriffs, or hold any other publick Office whatsoever, for any County within this Province.

And be it further Enacted, by the Authority aforesaid, That if any Ordinary-Keeper shall keep evil Rule in his House, upon Complaint made thereof to the Justices of the County-court of such Ordinary-Keeper's Mis-behaviours, or keeping evil Rule in his House, the said Justices of the County-courts are hereby authorized and impowered to suppress such Ordinary-Keeper, and call in such Licence.

And be it further Enacted, by the Authority aforesaid, That any Ordinary-Keeper disabled or supprest as aforesaid, or any other Person that shall presume to keep Ordinary without Licence first had and obtained as aforesaid, shall for every Month he or they shall keep Ordinary as aforesaid, forfeit and pay Two Thousand Pounds of Tobacco, and so proportionably for a longer or shorter Time that any Person shall sell Liquors, or do contrary to this Law, One Half to his Lordship, His Heirs and Successors, for the Use aforesaid, and the other Half to him or them that shall sue for the same, to be recovered in any Court of Record within this Province, by Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

And be it further Enacted, by the Authority aforesaid, That no Person or Persons inhabiting within this Province, not having law-

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ful Licence, shall sell by Retail, unless sold at the common and usual Rates of such Liquors between Merchants and Others, any Syder, Quince-Drink, or other strong Liquors, to be drank in his, her or their Houses, or about his, her or their Plantation, upon Forfeiture of every Time he, she or they shall be legally convict thereof, the Sum of One Thousand Pounds of Tobacco, One Half thereof to his Lordship, his Heirs and Successors, for the Use aforesaid, and the other Half to the Informer, or to him or them that shall sue for the same; to be recovered as aforesaid.

And whereas it has been found prejudicial to the Inhabitants of this Province, that Ordinary-keepers and Inn-holders have frequently entertained divers Free-Men and Loose Persons a great Time Tippling at their Houses, as well to the great Damage of many Persons, as their own Ruin,

Be it therefore Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That it shall not be Lawful for any such Ordinary-keeper or Inn-holder to keep such Ordinary or House of Entertainment until they have entred into Recognizance before the Justices of each respective County-Court granting such Licences, with two sufficient Sureties to the Value of Twenty Pounds Sterling, That they shall not Entertain any Free-Man or loose Person in their Houses above twenty four Hours, (Court times excepted) unless such Person be capable to give his Vote for a Delegate in the said County, or that he be retained as a Servant to the said Ordinary-keeper or Inn-holder, nor shall Entertain any other Person whatsoever, that shall be noted to such Ordinary-keeper as a Common Tippler, by the Justices of such County-Court; any Law, Usage or Custom to the contrary notwithstanding.

And whereas daily Experience shews the great Prejudice to the Owners and Masters of Merchants Ships and Vessels trading into this Province, by Ordinary-keepers entertaining of Sailors and others to such Ships and Vessels belonging, and trusting and encouraging them to continue Tippling in their Houses, to the Prejudice of Trade within this Province, preventing and impeding the Dispatch of such Ships and Vessels, and very often when such Sailors have spent all their Wages in such Ordinaries, it occasions and induces them to Run away and desert the Ships and Vessels whereto they belong. For the Prevention whereof,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That no Ordinary-Keeper whatsoever within this Province, shall presume to harbour or entertain such Sailors to the Neglect of their Service to their respective Commanders, and Prejudice to the Dispatch of any Ship or Vessel thereby, under the Pain and Penalty of being suspended from keeping such Ordinaries.

And that no Ordinary Keeper whatsoever shall credit any such Sailor for more than Five Shillings during any One Voyage, under Penalty of loosing his Debt, and being Fined to his Lordship, His Heirs and Successors, Five Pounds Sterling, whereof One Half to be applied as aforesaid, the other Half to the Informer, or him or them that sues for the same, to be recovered as aforesaid. Session Laws

And lastly, It is hereby Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Justices of the Provincial Court, and the Justices of the respective County-Courts, shall give this Act in Charge to the several Grand-Juries, and to their several and respective Constables, in their said Counties, to inquire into the Breach of this Act, and into all Disorders committed in the said Ordinaries, and present the same, if any be, to the several Courts, to be examined and punished according to Law.

And whereas One Half of the Forfeitures in this Act, is appointed to be appropriated towards the Use of a Publick-School in each County; and forasmuch as at present there is few Counties that have, as yet, any Publick-School in them,

Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the several County-Courts wherein there is no Publick-School, shall at their several November Courts Yearly, apply the said Forfeitures towards the defraying the County Charge, and cause the Clerk of each respective County-Court to keep a true Account of all such Forfeitures that the several Counties may reimburse the same when there shall be a Publick-School in any of the Counties aforesaid, for the Use thereof, as aforesaid, which they are hereby required to do. This Act to continue until the Twenty Ninth Day of September, in the Year of our Lord One Thousand Seven Hundred and Twenty, and no longer.

An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, and to Prevent cropping, cutting and defacing Tobacco taken on Board Ships or Vessels upon Freight; and for laying Impositions on Tobacco per the Hogshead, for the Support of Government, and for the encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation Fines and Quit-Rents, for the Term therein proposed, and for the taking of the Three Pence per Hogshead formerly raised for the Publick Charge.

1717 Chap. VII [Evan Jones' compilation printed by Andrew Bradford, 1718, continued by 1720, ch. IX]

Forasmuch as the Law heretofore made for ascertaining the Gauge of Tobacco Hogsheads, having in some Measure proved ineffectual, either for Want of laying sufficient Penalties upon the Offenders, or of proper Methods to inflict them, but more especially as it seems to this present General Assembly, by requiring a Complyance with such a Gauge as has been found by Experience to tend to the Ruin of such Traders as were strict Observers of it, the Gen-

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erality of our Tobacco being of so light and chaffy a Nature, that it has been found wholly impracticable and in a manner impossible to pack or prize so much of it in a Hogshead of the late Gauge of Thirty Inches in the Diameter of the Head, as would suffice for the Payment of Freight, and other Charges arising thereon, the Freighters of such small Hogsheads having been frequently brought in Debt by the Smallness of the Quantity of Tobacco contained therein, to the great Damage of the Tobacco Trade, particularly of the fair Traders therein, which seem in a Manner to have brought the latest of the afore-mentioned Laws into a general Disuse, it being rather more Mischievous to the Freighters to be brought in Debt by their strict Observance of that Gauge, than to loose their Tobacco heretofore exceeding it. For Remedy whereof for the Future,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Sessions, it shall and may be lawful for any Person or Persons whatsoever, suspecting, discovering or knowing of any Hogshead or Hogsheads of Tobacco that shall exceed Forty Eight Inches in the Stave, or Thirty Two Inches in the Diameter of the Head within the Croze, or that shall exceed Thirty Seven Inches Diameter in the Bulge, on any Accident or Pretence whatsoever, Thirty Six Inches being supposed a competent Gauge, to call to his Assistance any Justice of the Peace, Sheriff, Coroner, Vestry-Man or Church-Warden living or residing within the County where such Tobacco shall be suspected, known or discovered, and to enter into any House, Ware-house, Ship, Boat or other Vessel, and therein, in the Presence of such Justice or other Officer aforesaid, (who are hereby required to be present, aiding and assisting to such Informer therein) to Seize and Mark with the broad Arrow every such Hogshead or Hogsheads of Tobacco, as such Informer shall request such Justice, or other Officer to view, on Suspicion of exceeding the Gauge aforesaid: And also that such Justice, or other Officer, shall, on Request of such Informer, and is hereby required to proceed in such Manner as he shall think most proper to examine the Gauge thereof, so as no Hogshead or Hogsheads of Tobacco stowed away on Board any Ship or other Sea-Vessel, shall, on such Information be unstowed, unless such Hogshead or Hogsheads appear in View; and if upon such Examination, any Hogshead or Hogsheads shall be found by such Justice, or other Officer aforesaid, to exceed the Gauge aforesaid, it shall and may be lawful then, and not otherwise, for such Justice, or other Officer, immediately to Condemn the same to the Use of such Informer, who shall thereupon be immediately Vested with the Property thereof, and may convert the same to his own Use accordingly; and the Judgment of such Justice, or other Officer therein, shall be final; but in case such Hogshead or Hogsheads be not found to exceed the Gauge aforesaid, then such Mark of Seizure shall be struck out by such Justice, or other Officer aforesaid, and the Seizure be thereby released. But in case any Person or Persons whatsoever shall have Sight of any Hogshead or Hogsheads of Tobacco, that he or they shall suspect to exceed the Gauge aforesaid, it shall and may, in such case, be lawful for such Person or Persons immediately to Seize and Mark the same as aforesaid, although no such Justice or other Officer, as aforesaid, be present; of which Seizure such Informer shall forthwith give Information to some Justice, or other Officer aforesaid, living or residing in the County where such Hogshead or Hogsheads shall be so Marked or Seized, who shall be by this Act obliged to go with such Informer to view and examine the Gauge of such Hogshead or Hogsheads, as aforesaid, and shall in all Things proceed to the Viewing, Examination or Condemnation of such Hogshead or Hogsheads of Tobacco, after the same Manner and to the Uses aforesaid, or to the releasing the Seizure thereof, as herein before directed; and every such Informer or Seizer shall pay to the Justice, or other Officer aforesaid, making such View or Condemnation aforesaid, the Sum of Ten Shillings current Money, for every such Hogshead that such Justice or Officer shall be requested to view or examine, by such Informer, whether the Hogshead or Hogsheads so viewed, be condemned or not; to be recovered according to Act of Assembly of this Province, For speedy Recovery of small Debts out of Court, before a single Justice.

And be it further Enacted, That in case any of the Justices of the County-Courts, any Sheriff, Coroner or Vestry-Man, or Churchwarden, who upon Application made by any Informer, shall without lawful Excuse or Impediment refuse or delay to perform what is required of them by this Act, the Justice or Officer so refusing shall forfeit and pay the Sum of Fifteen Shillings current Money, for every Hogshead so by him refused to be viewed, to the Use of such Informer; to be recovered as last before-mentioned.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Person or Persons whatsoever, after such Hogshead or Hogsheads of Tobacco, marked with the broad Arrow aforesaid, and before View thereof by any Officer as aforesaid, shall presume to remove, alter or change any Hogshead so marked as aforesaid, or the Tobacco therein, so as to avoid the Justice of this Act, nor after View and Condemnation in manner aforesaid, shall presume to alter or change or in any wise meddle with such condemned Hogshead or Hogsheads of Tobacco, without Leave or License from such Informer, under the Penalty and Forfeiture for every Hogshead of Tobacco so removed, altered or changed, as aforesaid, the Sum of Twelve Hundred Pounds of Tobacco, to the Use of such Informer; to be recovered in any County Court within

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And be it further Enacted, That if any Person or Persons shall after the End of this Sessions of Assembly, pay, or tender to pay, any packed Hogshead of Tobacco, whereon the full Weight of the empty Hogshead within Five Pounds, is not cut or marked upon the Bulge of such Hogshead, and be thereof Convict in manner aforesaid, he or they so Convict, as aforesaid, shall forfeit for every such Hogshed or Hogsheads not having the Weight set thereon, as aforesaid, the Sum of Six Hundred Pounds of Tobacco, the One Half thereof to the Right Honourable the Lord Proprietary, his Heirs and Successors, towards the defraying the Charge of the County where such Offence shall be committed, the other Half to the Informer, or to him or them that shall sue for the same; to be recovered in such County-Court, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

And for ascertaining what shall be allowed for the Value of Tobacco-Hogsheads, Be it Enacted, That the Receiver of any Hogshead of Tobacco, shall pay and allow to the Owner or Owners thereof, for such Hogshead received, the Sum of Forty Pounds of Tobacco, to be added to the Neat-Weight of such Tobacco.

And whereas the Inhabitants of this Province, that Ship Tobacco on Board Ships and other Vessels upon Freight, are much abused by the Cropping, Cutting, Lessening and Diminishing of the Hogsheads wherein such Tobacco is pass'd, by the Masters of Ships or other Vessels or by other Person under their Command, and Government; for Remedy whereof, for the Future,

Be it Enacted, by the Authority, Advice and Consent aforesaid, That if any Master of a Ship or other Vessel within this Province, after the End of this present Session of Assembly, shall receive any Hogshead or Hogsheads of Tobacco, on Board his said Ship or Vessel, on Freight, and shall, either by himself or any other Officer or Person on Board his said Ship or Vessel, under his Command, Cut, or suffer any Hogshead or Hogsheads of Tobacco to be Cut, Cropped or Lessened in their Length or Breath, or by any other Ways or Means abused, defaced or impaired, that then and in every such Case, such Master of such Ship or Vessel, for every Hogshead of Tobacco, so Cut or suffered to be Cut, Cropped or Lessened, in their Length or Breadth, abused, defaced or impaired, to be proved by the Oath of any sufficient Person to whom the Tobacco is Consigned in Great-Britain, or other sufficient Witness taken before any Magistrate, and a Certificate thereof, made by any Notary-Publick or Magistrate, and sent hither under his Hand and Seal, or by any other legal Proof whatsoever, made in this Province, or elsewhere, shall forfeit and pay the Sum of Six Hundred Pounds of Tobacco, or Fifty Shillings Sterling, to the Party grieved; to be recovered in any Court of Record in this Province, against such Master or his Sureties, by Action of Debt, or on the Case, within Two Years after the Date of the Bill or Bills of Lading of such Tobacco.

And be it Enacted, by the Authority aforesaid, That the Security or Securities, of any Master of Ship or Vessel, within this Province, shall be liable to make Satisfaction, according to this Act, for the cropping, cutting, abusing, defacing or impairing of any Hogshead or Hogsheads of Tobacco, as aforesaid, and prosecuted for the same, in any Court of Record within this Province, that can hold Plea thereof: And that every Naval Officer within this Province, shall, on pain of Fifty Shillings Sterling, certify under his Hand and Seal, who are the Security or Securities of any such Master, which shall be sufficient Evidence in any Court of Record where such Action is commenced, to prove who are the Security or Securities of such Master, for which Certificate the Naval Officer may have and receive one Shilling, and no more; and that the several and respective Naval Officers within this Province, shall hang a fair Copy of this Act in their respective Offices, for the Perusal of all Masters of Ships and Vessels, the said Naval Officer to have and receive for the said Copy, One Hundred Pounds of Tobacco, to be allowed in the County Levy.

And forasmuch as by the Enlargement of the Tobacco-Hogsheads from the late Gauge of Thirty Inches Diameter on the Head, of this present Gauge a large Quantity of Tobacco will be exported in each Hogshead, whereby the several Duties and Imposts on Tobacco will be evidently Retrenched and Lessened, unless a just Regard be had to the Preservation of them in their usual Worth and Value, which this present General Assembly is highly obliged to, those Duties being generally applyed to the Support of Government, and other the most important Affairs of this Province; and therefore it is not only just, but necessary that the Duties upon the Hogsheads, which shall be of the Gauge therein directed, shall be in some sort enlarged proportionably to the Enlargement of the said Gauge. It is therefore most humbly prayed, That His Lordship, the Lord Proprietary, will be favourably pleased to grant that it may be enacted,

And be it Enacted, by his said Lordship, by and with the Advice and Consent aforesaid, That from and after the End of this present Session of Assembly, there shall be levyed, collected and raised to the Right Honourable the Lord Proprietary, His Heirs and Successors, for every Hogshead of Tobacco which shall be Shipped in any Ship, or Vessel, to be exported out of this Province, or any of the Territories, Islands, Ports, Rivers, Creeks or Places thereto belonging, after the End of this present Session of Assembly, the Sum of Fifteen Pence Sterling, in Lieu and Stead of the Twelve Pence Sterling per Hogshead, formerly imposed on every Hogshead of the aforementioned former Gauge; and for every Hundred Weight of Tobacco exported in Box, Chest, Barrel or Case, Two Pence Half-Penny Sterling, and so pro Rato for a greater or lesser Quantity.

Provided always, That the Money that shall be raised by the said Duty shall be applyed to those Ends and Uses for which it hath hitherto been raised (viz.) Twelve Pence of the aforesaid Fifteen Pence per Hogshead, to the Lord Proprietary, for the Support of Government, and the remaining Three Pence of the Fifteen Pence per Hogshead for the purchasing Arms and Ammunition for the Maintaining a Magazine, for the better Defence of this Province, and for the due Preservation thereof; to be collected by the proper Officer, and paid to the Treasurer or Treasurers of this Province, for the Time being, to be disposed of to the Uses aforesaid, as the Governour and Council, for the Time being, shall direct.

Provided nevertheless, That in the Absence of the Lord Proprietary himself out of this Province, One Shilling, part of the said Fifteen Pence, be applyed towards the Maintaining the Station and Dignity of his said Lordship's Lieutenant Governour, actually inhabiting and residing within this Province, and to such other necessary Uses, towards the Support and Defence of the Lord Proprietary's Government of this Province, as in his Lordship's Wisdom to him shall seem meet. And in case of the Death or Removal of such Lieutenant Governour from his Government, the one Half of the said Twelve Pence applyed to the Support of Government, as aforesaid, that shall arise in such Vacancy, shall be applyed to the Maintenance and Support of such Person of his Lordship's Council, as his Lordship, by his Instructions to his Lieutenant Governour or otherwise, shall appoint to preside; and to such other necessary Uses towards the Support of his Lordship's Government, as in his Lordship's Wisdom, to him shall seem meet, the other Half towards the Building a House for his Lordship's Lieutenant-Governour, for the Time being, to reside in; the Money for the said Building to be lodged in the publick Treasurer's Hands, and to be applied and laid out in such Manner and Place as my Lord Propretary, or in his Absence, his Lieutenant-Governour and Council shall appoint.

And be it further Enacted, that the said Duty and Impost shall be, from Time to Time, paid and satisfy'd by the Master or Masters of every Ship or Vessel respectively, in which any such Tobacco shall be exported, upon his or their Clearing, or taking out his or their Dispatch or Dispatches for every such respective Ship or Vessel, and before the Departure of such Ship or Vessel. And the Master of every such Ship or Vessel coming into this Province, shall at their first Arrival here, and before their Loading on Board any Goods or Commodities of the Growth, Production or Manufacture of this Province, give good and sufficient Security to his Lordship, the

Right Honourable the Lord Proprietary, for the Payment of the said Duty or Imposition accordingly.

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And whereas the General Assembly of this Province, on the Twenty Sixth Day of April, Anno Domini 1715, made their humble Application to the late Right Honourable Benedict Leonard Lord Baron of Baltemore, That he would be favourably pleased to accept of his Rents and Fines for Alienations, in Tobacco at Two Pence Sterling per Pound, in such Manner and on such Conditions and Terms as his noble Ancestors have heretofore done, for the greater Ease to their Tenants in the Payment of their Rents, and the better to encourage the Cultivation and Settlement of the remotest Parts of this their Proprietorship.

And forasmuch as the Gratuity formerly settled on his Lordship's Ancestors, before the Decease of the late Right Honourable Charles Lord Baron of Baltemore, was raised by an Impost of Twelve Pence on the Exportation of every Hogshead of Four Hundred Pounds of Tobacco, which Impost determined by the Death of the said Right Honourable Charles Lord Baron of Baltemore, so that thereby his Lordship's Rents became payable in Money. But forasmuch, as to have continued the Payment thereof in Money, would have been wholly Impracticable from the great Scarcity of it amongst us, and that it would not only have tended much to the Disappointment of his Lordship in the Receipt of his Rents, but also to the Oppression of such Tenants as hold Lands under Condition of such punctual Payments, as the Tenor of their Grants requires, and to the Disinheriting many who would have been obliged to Surrender their Estates, for want of Ability to comply therewith; which in all Probability would have proved a Check to the future Cultivation of the remote and Forest Lands of this Province, being Part of His Majesty's Dominions; all which Inconveniencies that General Assembly most earnestly desired might be provided against. And forasmuch as the Quantity of Tobacco then usually Exported, or which might be Exported in a Hogshead of the Gauge by this Act settled, exceeded the Quantity which was commonly reputed to be the Contents of a Hogshead, at the Time when the aforesaid Twelve Pence per Hogshead was settled on his Lordship's Ancestors for their making easy the Payment of his Rents and Fines for Alienations aforesaid; and also, for that altho' the Number of Hogsheads commonly Exported, hath much increased since that Time, yet for that the Value of his Lordship's Rents hath much more increased, a Law then passed for raising an Impost of Eighteen Pence Sterling per Hogshead, and Three Pence Sterling per Hundred on Tobacco exported out of this Province in Hogshead, Chest, Barrel or Case, for the Use of the said Lord Proprietary, in Consideration of his taking his Rents and Alienation Fines in Tobacco, at Two Pence Sterling per Pound.

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And whereas his present Lordship, the Right Honourable Charles Lord Baron of Baltemore, since the Decease of his noble Father, the late Lord Benedict has signify'd to this present General Assembly, his Willingness to accept of an Additional Duty of Six Pence Sterling per Hogshead, in full Satisfaction of his Quit-Rents and Fines for Alienations that shall arise or grow due within this Province, during the Continuance of this Act, which is thought by the General Assembly to tend to the Good of the Generality of the poorer sort of Planters, and especially of those Orphans who hold Lands within this Province.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after this present Session of Assembly, there shall be raised, levyed, collected and paid for every Hogshead of Tobacco which shall be Shipped in any Ship or Vessel, to be Exported out of this Province, or any the Territories, Islands, Ports, Rivers, Creeks or Places thereto belonging, the Sum of Two Shillings Sterling, and for every Hundred Weight of Tobacco Exported in Box, Chest, Barrel or Case, Four Pence Sterling, and so pro Rato, for a greater or lesser Quantity, to his Lordship, the Lord Proprietary, in full Discharge and Satisfaction of his Quit-Rents, and Fines for Alienations, that shall arise or grow due within this Province, from and after the End of this Session of Assembly. And the said Duty of Two Shillings Sterling per Hogshead, shall, after the End of this present Session, be paid to such Officers as his Lordship shall think fit to appoint to receive or collect the same, by the Master or Masters of every such Ship or Vessel respectively, in which any such Tobacco shall be Exported, on or after this present Session, during the Continuance of this Act, upon his or their Securing or taking out his or their Dispatch or Dispatches for every such respective Ship or Vessel, and before the Departure of such Ship or Vessel: And the Master or Masters of every such Ship or Vessel coming into this Province, shall at their first Arrival here, and before their Lading on Board any Goods or Commodities of the Growth, Production or Manufacture of this Province, give good and sufficient Security for the Payment thereof, as is herein before directed.

And be it further Enacted, by the Authority aforesaid, That the Act of Assembly of this Province, entituled, An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent Cropping, Cutting and Defacing Tobacco taken on Board Ships or Vessels upon Freight; and for laying an Imposition on Tobacco by the Hogshead, for the Support of Government, and for the encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation Fines and Quit-Rents, for the

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Term therein proposed, and for taking off the Three Pence per Hogshead formerly raised for defraying the Publick Charge, made at a Sessions of Assembly begun and held at the Port of Annapolis the Seventeenth Day of July, Anno Domini Seventeen Hundred and Sixteen, be and remain in full Force and Virtue, until this present Act takes Place: And that from and after the Time of of this present Act's taking Effect, it shall be entirely void, and be hereby Repealed.

And whereas, as it is considered by this present General Assembly that the levying and imposing the Additional Duty of Six Pence per Hogshead for his Lordship's full Discharge of the Quit-Rents and Fines for Alienations, as aforesaid, will advance the whole Duty at present on Tobacco exported out of this Province, to the Sum of Three Shillings and Nine Pence Sterling per Hogshead, which will be so great a Burthen on the Tobacco Trade, that this General Assembly think it their Duty, and absolutely necessary to ease it, as far as in them lies:

Be it therefore Enacted, by the Authority, Advice and Consent aforesaid, That an Act of Assembly of this Province, entituled; An Act laying an Imposition of Three Pence per Hogshead on Tobacco, for defraying the Publick Charge of this Province, made at a Session of Assembly begun and held at the City of Annapolis the Twenty Second Day of June, 1713, shall and is hereby utterly Repealed and made Void. Provided also, That from and after this present Session of Assembly, in case of Ship-Wreck, or other Loss of any Ship or Ships, Vessel or Vessels, so that the Tobaccoes therein loaden, be lost before the Delivery of each Ship or Vessel at the intended Port, then the Master, Merchant or Owner of such Tobacco, so loaden and lost, as aforesaid, who shall have paid the Duties aforesaid, shall have the Liberty to Ship, at some other Time, so many Hogsheads of Tobacco as they had formerly paid Impost Money for, as aforesaid, free and clear of any of the said Impositions.

And be it further Enacted and Declared, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Publick of this Province shall not be burthened or charged with any Salary or Salaries for the collecting all or any of the said Duties and Imposts herein before-mentioned to be raised, save only the Duty of Three Pence per Hogshead on Tobacco exported, by this Act appropriated to the purchasing Arms and Ammunition for the Defence of this Province, which shall and is hereby intended to be received by the several Naval Officers of the respective Ports where the same shall arise, for which Receiving, they shall be allowed after the Rate of Eight per Cent. and be and are hereby obliged to account therefore unto the Publick Treasurers of this Province, who shall render Account thereof to the General Assembly, when thereto

Session Laws required, and which Treasurers for Receiving, Accounting and Paying the said Duties, as may be directed, according to the Intentions of this Act, shall have and receive the Salary of Two and a Half per Cent, and no more; and the said Money to be lodged in the Hands of such Merchant or Merchants in London, as the Upper and Lower Houses of Assembly shall, from Time to Time, direct.

And be it further Enacted, by the Authority aforesaid, That the several and respective Clerks of the Provincial and County-Courts within this Province, shall Yearly, and every Year, during the Continuance of this Act, Ex Officio, make out a true and fair List of all such Alienations as shall be Yearly recorded in the respective Courts, (That is to say) the Name of the Parties, Grantor and Grantee, the Dates of the Deeds, and Names of the Lands, with the Quantity thereof, ready to be delivered to the Agent of the Right Honourable the Lord Proprietary of this Province, when required of such Clerks; and in case the Clerk of the Provincial Court shall neglect to do what is required of him to be done by this Act, he shall forfeit the Sum of Ten Pounds Current-Money, and the Clerk of the County-Court so neglecting, as aforesaid, shall forfeit the Sum of Five Pounds Current-Money, to the Right Honourable the Lord Proprietary of this Province, his Heirs and Successors, towards the Support of his Lordship's Government within this Province; to be recovered in any County-Court within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

This Act to continue until the Twenty Ninth Day of September, which shall be in the Year of our Lord God, One Thousand Seven Hundred and Twenty.

1717 Chap. IV [Evan Jones' compilation printed by Bradford, 1718]

An Act for the Adjournment of Talbot and Baltemore County-Courts.

Whereas sundry of the Justices of the Quorum of Talbot and Baltemore County-Courts are Members of the Lower House of Assembly; and whereas the aforesaid County-Courts are appointed by Law to be holden the first Tuesday of June, Instant, so that either such Justices must leave the said House and Service of their Country, or that such County-Courts must fall for want of their Attendance, unless provided by Law,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of this present General Assembly and by the Authority of the same, That in case there shall not appear or have not appeared a sufficient Number of Justices at the Time and Place appointed for the holding the aforesaid Two County-Courts, and to adjourn them regularly and legally, according to the Tenour of their Commissions, and the Act of Assembly of this Province in that Case made and Provided, That then, and in such Case, the aforesaid County-Court of Baltemore is and stands hereby adjourned from the appointed Day in June, until such a Day in August following, as such Court ought to have been adjourned to; and that the said County-Court of Talbot be and stands hereby adjourned until the last Tuesday in July next, any Law, Statute or Custom to the contrary, notwithstanding.

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An Act for ascertaining the Bounds of Land within this Province.

1718 Chap. XVIII [Evan Jones' compilation printed by Bradford, 1718, p. 206; the Proprietary dissented to this Act]

Forasmuch as at the first Settlement of this Province the Heathen Indian Enemies were so very Numerous and barbarous, that both the Persons desirous to purchase Land, and to settle and Inhabit the same, and also the Surveyors appointed by the Right Honourable the Lord proprietary to survey and lay out such Lands to the said Persons, were detained from making so strict a scrutiny into the true Scituation of the several Rivers, Creeks and Branches of this Bay, so as to prevent the Interference of the Bounds limited and appointed by the said Surveyors, for each Tract, and from setting of the Courses or Measuring the true Distances of Lines directed to run to the several Trees or other Bounds there prescribed to limit and bound the said several Tracts of Land, and also the Surveyors themselves so appointed, were too often both very Ignorant and negligent in performing their Duty therein; And also forasmuch as the bounded Trees by them formerly bounded, for very many of the said former Surveyors, are dead, and so far lost and forgotten, that no remains or Memory are left of the same, and the other Boundaries, either of Bays, Rivers, Creeks or Branches, as also of Courses and Distances, so darkly and Unskilfully exprest, that many great Controversies and suits have been and are daily moved thereupon, and no certain Method, as yet, being prescribed for the speedy determination thereof, but a Course at Common Law, and Tryal by Juries in the Provincial Court, which Juries never having had any View of the Lands in debate, so as to be made sensible of the true Scituation of them (whereby the true Intent and Meaning of the dark and Unskilful Expressions of the aforesaid Surveyors are the better to be understood) cannot possibly give a just Verdict thereupon, which Occasions most common and frequent Appeals to the superior Courts, and vast additional Charges thereby accruing, Insupportable to the Inhabitants of this Province, especially the Poorer Sort, who are thereby frequently ruined or very much Impoverished, and many times forced to relinquish and give up their just-Right to their more Potent Litigious Adversaries, rather than suffer the loss of Time, fatigue and expence of a long Journey, and a longer and more tedious Attendance. And forasmuch as the Multitude of Cases Varying in their several Circumstances will not admit of any General Rule to be prescribed, whereby the Court and jury may adjudge

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of and Determine the Matter in Controversy, Therefore this Present General Assembly do humbly pray that it may be Enacted,

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the advice and consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That nine Persons in each respective County of this Province, who are the best Skilled in the Art of Surveying, and best acquainted with the Nature and Design of antient Surveys, and of the best Reputation of the County (none of them being surveyors of the County) such as the Governour and Council, for the time being, shall think proper, shall be Commissioned and Impowered under the great Seal Used in this Province, by the Governour, for the time being which Commissioners by virtue of such Commission, and the Authority of this Act, are required to take the Oaths appointed by Law, and subscribe the Oath of Abjuration and Test, before any Persons qualified to Administer the same, as likewise the following Oath,

I A. B. do Swear, That I will justly and truly execute the Powers and Authorities in this Act contained, according to the best of My Knowledge, without Favour or Affection to any of the parties concerned, So help me God.

And to meet at their several and respective Court Houses the Second Day of every County-Court, to receive the Petitions (which must be in Writing) of all Persons that shall have Occasion to make Application to them, for the ascertaining the Bounds of any Land lying within such County; Provided, That the Party complaining or Petitioning Twenty Days before Preferring such Petition, shall have given due Notice to all Persons that are any ways Interested or concerned in the Bounds of such Land, by setting up Notes at the Court-House Door, and parish Church where the Land lies, Certifying the Time when such Party Designs to make Application to the Commissioners, at which Time and Place all Persons concerned in the Dispute about the Bounds of such Land, both Complainants and Defendants are required to meet, and in the Presence of the Commissioners then present to make Choice of any Number of the aforesaid Commissioners, not being less than three, to determine the Matter in Controversie and Dispute between them concerning such Bounds of their Land, such Choice to be Noted and Certifyed on the back of such Petition by the Commissioners then Present, which Number of Commissioners being mutually chosen by the parties Contending, and certifyed as aforesaid, shall proceed to appoint a Day, make Publick Declaration thereof, the Day of the making such Choice, and Order Notes to be set up at the Court-House Door, and Parish Churches, Mills, and most frequented

Towns in the said County (not being less than five Weeks from the time of such Election) to meet on the Lands in Dispute, and shall Issue out Summons in Writing for all such Evidences or Witnesses as shall be to them Nominated by either or any of the parties as they or either or any of them shall require the same, requiring them to meet at the Time and Place appointed, to give Evidence what they know concerning the Bounds of such Land, and likewise issue out Summons to his Lordship's Surveyor of the County, to attend the said Commissioners at the Time and Place appointed; the Service of all which Summons, in such Manner and form as is Usually allowed to be good service in Cases of Sub-pœna, shall be Accounted good in the Cases aforesaid, and that if the Surveyor of the County aforesaid shall wilfully forbear or delay to be and appear, according to the Tenor of the same Summons, such Surveyor so wilfully refusing or delaying, shall forfeit for every such Offence, Five Hundred Pounds of Tobacco to his Lordship, his Heirs and Successors, for support of Government, to be recovered in any Court of Record, by Action of Debt, Bill Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed. And if any Witness, so Summoned, shall neglect to appear at the time and Place Notified, or shall, when appearing, refuse to give his or their Evidence, it shall be lawful for the said Commissioners to Issue Attachment against him, her or them, to cause him to come, or commit such Witnesses, for such their Obstinacy, till they give their Evidence, as the case may require.

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And for the better discovery of the true Bounds of the Lands in dispute, the Commissioners aforesaid being met at the time appointed upon the Land, may cause the said Lands, and also any other Adjacent Lands, for their better Information, to be surveyed; and having duly and impartially considered as well the Proofs and Allegations of both parties, as all other Circumstances nearest concurring with the true Intent, design and Meaning of the Original Surveys, shall then and there determine and ascertain the Limits and Bounds of the said Lands in dispute, as they or the Major part of them, then and there Present, shall adjudge most just and reasonable, and cause the same Lands in their Presence to be new Mark'd out, with such Marks and Bounds as to them shall be adjudged most plain and durable, and cause three fair Plats and Certificates thereof, to be made by the said Surveyor, two thereof for the Contending Parties, and the third to be fairly entred in a Book for that purpose, to be provided by the Commissioners, at the County Charge, of good Large strong Paper, with a Leather or Parchment Cover; which said Book shall be lodged with the Clerk of the County where such Lands, as aforesaid, lie, and kept among the Records of the same County; which said Bounds so ascertained and entered, as aforesaid, shall be and remain the Certain and undoubted Bounds

Session Laws of the said Lands forever. And further, the said Commissioners after having ascertained the Limits and Bounds, as aforesaid, shall and may by Virtue of this Act, put either the Complainant or Defendant, as the Case shall require, into peaceable Possession of the Bounds so Determined. and also assess and decree all Cost accruing thereupon, and the Damages suffered on such Land, and Award Execution thereon against such of the Parties as they shall adjudge to pay the same; and that from all and every such Decrees and Determinations made by such Commissioners, elected and chosen as aforesaid, there shall be no Appeal or Review, be the Value of the Land what it will, But in case any Person or party concerned or any ways Interested in the Bounds of the Lordships in dispute, shall obstinately or wilfully, after Publication, as aforesaid, refuse or delay to meet the Complainant before the Commissioners at the Time notified for preferring their Petition, or if present, will not joyn in making their Election or Choice of such Number, as aforesaid, out of the Commissioners Commissioned, as aforesaid, to ascertain the Bounds of the Land in dispute, that then in all such Cases it shall and may be Lawful for the Major part of the Commissioners, not being related to either party, either by Consanguinity or Affinity, or any ways Interested in the Lands in dispute, to proceed in the same Manner as before Mentioned, to make their Decree and Determination concerning the Bounds of the Lands in dispute, and to Assess and Decree all Cost and Damages, and Execution thereon, as aforesaid, against the Party or Parties which shall be adjudged to pay the same, from which Decree and Determination there shall no Appeal or Review be allowed, other than is hereafter expressed.

And be it further Enacted by the Authority aforesaid, That every such Commissioners so Commissioned and Executing their Commission, as aforesaid, in Consideration of their Time and Trouble in Viewing the several Lands in Controversy, as aforesaid, and passing such Order and Decree as aforesaid, shall for every Day they attend thereon, be paid the Sum of One Hundred Pounds of Tobacco, and no more, to be paid by such of the Parties as the Commissioners shall adjudge to pay the same. And for ascertaining what Fees the Surveyors shall receive,

Be it Enacted by the Authority, aforesaid, That for all such Surveys which in this case shall be made, the said Surveyors shall have such Fees as by Law are settled for primitive Surveys, but if in case it should be found needful to Survey and run out only one or more Lines of any of the adjacent Lands, that then the Surveyors for every such Line or Lines by him run shall have only a Quarter of a Pound of Tobacco per Perch, and no more. And if it shall so happen that his Lordships Surveyor, of the County shall be either a Person Interested in any of the said Disputes, or related to either Party, or that any just Exception be made against him, and allowed by the said Commissioners, then the said Commissioners shall appoint some other Skilful and honest Person in his stead to perform that service. And for the better dispatch of Business by the said Commissioners,

Be it Enacted by the Authority aforesaid, That the said Commissioners, shall and may by their Wisdom and Directions order and settle such Just Fees and Rewards for such Clerks, and other Officers and Assistants as they shall judge necessary, to be by them appointed and Employed; all which said Officers and Assistants, so appointed as aforesaid, shall give their due Attendance at the Time and Place appointed, and do and perform such services in furtherance of this Act, as shall be then and there directed them, by the said Commissioners, under such Penalties as by the said Commissioners shall be adjudged, not exceeding One Hundred Pounds of Tobacco, to be levyed by way of Execution to the Use of the said Commissioners, on the Body, Goods and Chattels of each of such Offenders. And for the more effectual putting this Act in execution,

Be it further Enacted by the Authority aforesaid, by and with the advice and Consent aforesaid, That all Sheriffs, Coroners and Constables within this Province, and other the Officers aforesaid, shall pay as due obedience to any Precept whatsoever, that shall be directed to any of them from the Commissioners aforesaid, as to any other Precept whatsoever, and shall be under like Pains, or Penalties for disobeying or Contemning thereof, and shall in all things be aiding and Assisting to such Commissioners in their several Offices, as they are, or ought to be, to their several and respective County-Courts, or to any single Justice thereof; for all which Services by such Sheriffs or Coroners to be performed by Virtue of this Act, they shall be allowed half the Fees that are allowed them by Law in other Cases, for such like Services, and shall not Charge or Exact no more, on pain of Incurring the Penalties directed by the Act for Limitation of Officers Fees, against the Offenders thereof.

And to prevent the said Commissioners from being Molested and disturbed in the Execution of their Commission:

Be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, shall presume to Molest, disturb or Obstruct the said Commissioners, Surveyors, or any other Officer or Assistant in performance of their Duty aforesaid, in any Case within the directions of this Act, shall Forfeit and pay to the Lord Proprietary, his Heirs and Successors, for the Support of Government, the Sum of One Thousand Pounds of Tobacco, to be recovered in any Court of Record within this Province, wherein no Essoyn, Protection or Wager of Law shall be allowed.

And be it further Enacted by the Authority aforesaid, That if any Suit or Action be Commenced or prosecuted against any Person or Persons for what he or they shall do in the Pursuance of the Exe-

Session Laws cution of this Act, such Person or Persons, so sued, may plead the General Issue, and upon any Issue Joyned, may give the special Matter in Evidence. And if the Plaintiff shall discontinue his suit, or Judgment pass against him, the Defendant or Defendants shall Recover his or their double Costs for his or their Unjust Vexation. Provided always, That in case the pretensions of any party grieved shall be adjudged by the Major part of the Commissioners determining the Bounds, as aforesaid, to be of or to exceed the Value of three Hundred Pounds Sterling, that then in all such Cases, such party may have an Appeal from such Determination and Decree of the Commissioners aforesaid, to the King's Majesty in Council, he or they giving Security to prosecute such Appeal, with Effect, or otherwise pay and satisfie all such Costs and Damages as shall or may accrue to the other party for whom such Sentence has been given by making such his Appeal as aforesaid,

Provided nevertheless, and it is hereby Enacted and Declared, That the Party for whom such Sentence as aforesaid, shall be given, shall not any ways be delayed by such Appeal to the King's Majesty, as aforesaid, but Immediately put in possession of the Lands within the Bounds so ascertained, as aforesaid; And also Provided, That where any Bounds of Lands have been already settled and determined by any Law-suits, Arbitration, or otherwise, such Determination appearing on Record, the same so settled and determined shall remain and continue Unalterable and no ways subject to any View or Review of the Commissioners appointed by this Law, And that it shall and may be lawful for the Provincial Court of this Province to hear and determine all Actions of Trespass and Ejectments already depending before them. Provided always, That if any Person concerned or interested in any of the Lands in dispute, as aforesaid, shall happen to live in any of the remote Counties of this Province from the County where such Land in dispute lies, or be out of the Province, or beyond sea, that then such party Complaining shall make Publication, as before provided by this Act, three months, the parties living in the remote Counties, and Twenty four Months, the parties being out of the Province, or beyond Sea, before his Application to the Commissioners as aforesaid, which Publication must be made appear before the Commissioners Commissioned as aforesaid, at the time of such Application, whereupon the Commissioners may proceed to determine such Bounds of Land so prayed to be ascertained, as effectually to all Intents and purposes, as if the Parties concerned, or any ways Interested were Personally present.

And whereas several Persons by their Humble Petition, have represented to this present Sessions of Assembly, That they being concerned and interested in Lands, the Bounds whereof have been in Dispute, and whereupon the Commissioners of the several Counties for ascertaining the Bounds of Land pursuant to the Act of Assembly made at a Sessions of Assembly begun and held at the City of Annapolis the 26th Day of June, Anno Domini One Thousand Seven Hundred and Fifteen, entituled, An Act for ascertaining the Bounds of Land within this Province, have made their Award, Decree and Determination concerning such Bounds, by which Awards, Decrees and Determinations the Petitioners aforesaid being much aggrieved, pursuant to the afore-mentioned Act, made their Application in due time by way of Petition to his Excellency the Governour, for a Commission of a Review upon the aforesaid Proceedings, which his Excellency has been pleased to grant them, but by sundry Accidents have lost the Benefit of having such Commission Executed within the Limited Time according to the afore-mentioned Act, and others must unavoidably loose the Benefit of such Commissions, the Persons Commissioned, and also others Interested being obliged to attend the Publick Affairs and Business of this Province in this present General Assembly, until the Time Limited for executing such Commissions will either be expired, or so near expiring, that it will be Impossible such Commissions can be executed in due Time, pursuant to the Directions of that Act. And it being further considered, That there may be some others that conceive themselves injured by the Awards and Decrees of the Commissioners for the Counties that had resolved in due Time, but has not yet made Application to his Excellency for a Commission of Review, and likewise some Cases where the Commissioners of the Counties have begun and made some Steps towards, but have not finished their Award and Determination therein,

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Be it therefore likewise Enacted, That in all the afore-mentioned Cases neither the Commissioners of any of the several Counties, nor Commissioners of Review shall proceed any further in Executing such their Commissions, by Virtue thereof, or the aforementioned Act, but that all Parties concerned in such Dispute, where there has not been a final and conclusive Determination, pursuant to the Direction of the said Act, shall be and are hereby left to their Liberty to make their fresh application to the Commissioners appointed by this Act, and to enjoy and reap the Benefit of the same, to all intents and purposes, as any other Person or Parties whatsoever.

And further, whereas sundry Persons have likewise by their humble Petition set forth, That some of the Commissioners of the Counties and also Commissioners of Review for ascertaining the Bounds of Land, pursuant to the afore-mentioned Act, have proceeded to make, and have made their Awards, Decrees and Determinations concerning the Bounds of several Lands (wherein such Petitioners were Interested) and have awarded their Lands to others, to their great Prejudice, without their being made Parties, and without giving such due Notice of their Proceedings to such Petitioners, as, according to the true Intent and Meaning of the aforementioned Act

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they ought to have done; by which Means such Petitioners have been precluded from making their just Defence, and are left Remediless by any other Way or Means whatsoever, unless specially provided for by a Law for that purpose.

Be it therefore likewise Enacted, That all and every such Person or Persons whatsoever, Interested in any of the Lands within this Province concerning the Bounds whereof either the Commissioners of any of the several Counties in this Province, or Commissioners of Review have made any Award, Decree and or Determination to their Prejudice, without having such Notice to appear and make their Defence, which they ought to have had, according to the true Intent and Meaning of the Aforementioned Act, such Person or Persons so prejudiced, as aforesaid, shall in no ways be concluded by any such Award, Decree or Determination whatsoever, but are hereby declared to be Restored, and to stand upon the same foot as to any of the Lands wherein they were Interested (and awarded to others as aforesaid) as if such Award, Decree or Determination, or any other proceedings thereupon, had never been made any thing in the aforementioned Act to the contrary notwithstanding.

And to prevent the great Delays and Disturbances that have been given Commissioners in Land Affairs, by Admitting Attorneys and other Loquacious and Mercenary Advocates to plead before them, for Fees, Be it likewise Enacted, That for the future no Persons be admitted to plead as Advocates before any such Commissioners as aforesaid; Unless they shall upon Request of the said Commissioners, or of either the parties, declare upon Oath, That they have not received nor do expect or will receive any Fee or Reward whatsoever, for their Assistance in such Case.

And be it likewise Enacted, That one Act of Assembly made at a Session of Assembly begun and held at the City of Annapolis the Twenty Sixth Day of April, Anno Domini, Seventeen Hundred and Fifteen, entituled, An Act for Ascertaining the Bounds of Land within this Province, and also the Supplementary Act thereto, be and are hereby Repealed.

1718 Chap. X [Evan Jones' compilation printed by Bradford, 1718, p. 215; repealed by 1721, ch. XIV]

An Act to limit the Continuances of Actions in several Courts within this Province, and ascertaining the Manner of taking the Evidence of Sea-faring Men, and for granting Appeals from the Chancery Court to the Governour and Council.

Whereas it is represented as an Aggrievance, the Dilatory Proceedings and Continuances of Actions in several of the Courts of this Province; for Remedy whereof for the future,

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Action whatsoever brought in any of the County Courts within this Province shall be continued longer than Twelve Months, nor in the Provincial or High Court of Appeals, longer than nineteen Months, nor in the Court of Chancery, longer than Twenty Five Months from and after the Return of the Writs or other Process that shall hereafter Issue, and that all Actions now depending in any of the said Courts, be under the like Limitation, from the end of this present Sessions of Assembly, except in Causes where Evidences are wanted from beyond Sea, which is left to the Discretion of the Court where such Case shall happen; and that it shall and may be lawful for the several Courts aforementioned, upon the Discontinuance of any Action or Actions aforesaid, if by the Act or Default of the Plaintiff, to award him to pay the Cost, but if by the Act or Default of the Defendant, then to give Judgment for the Plaintiff; Provided, That the Time of Continuance of any such Suits in the Courts of Law by Injunction in Chancery, or by allowing Infants the Benefit of the Parol Demur, be not accounted as part of the Time of Limitations aforesaid. Session Laws

And whereas it often happens that Actions are delayed by reason the Evidences in such Suits are Sea-faring Men, or others whose Business and Imployment calls them out of this Province when such Actions should regularly come to Tryal.

Be it therefore further Enacted by the Authority, Advice and Consent aforesaid, That the Deposition of any such absent Seafaring Men, or others taken before two Justices of any County Court of this Province, or one of the Justices of the Provincial Court, in Presence of the adverse Party, to him that requires such Deposition to be taken, if upon due Notice he thinks fit to be present, or if upon notice he refuses to be present, the Notice being proved, shall be received for as good Evidence in any of the Courts within this Province, as if such Evidence were Personally present upon the Tryal, and should deliver the same Vivá Voce.

And be it likewise Enacted, That from and after twelve Months from the end of this Sessions of Assembly, it shall and may be Lawful for any Person or Persons that shall conceive themselves aggrieved by any Decree of the Chancery-Court, to have an Appeal to the Governour and Council of this Province, for the time being, wherein each Member shall have a full Voice,

An Act for the better Supporting the Magistrates in the Administration of Justice within this Province, and for the Disabling Thomas Macnemara, Esq; to Practice the Law therein. 1718 Chap. XVI [Evan Jones' compilation printed by Bradford, 1718]

Whereas Thomas Macnemara, Esq; a Practitioner of the Law and Attorney in several of the Courts within this Province, has been

Session Laws [Ch. I, IV, V, and XIX of Acts this Session printed in Vol. 33 of Archives, beginning at p. 287]

sundry times suspended here, and in the Province of Pensilvania for his Mis-Deeds; and re-admitted to his Practice on his fair Promises of Amendments. And whereas by the Act of Assembly, of this Province, Entituled, An Act for the rectifying the Ill Practices of Attornies of this Province, and ascertaining Fees to the Attorney General, Clerk of Indictments Attornies and Practitioners of the Law in the Courts of this Province, and for levying the same by way of Execution, the several Courts have Power given them to admit and suspend such Practitioners, Salvo Jure Coronæ. And whereas the said Thomas Macnemara, on a late Suspension from his Practice obtained Her late Majesty's Order to be restored to it again, which the said Macnemara has often suggested to be an Exemption of him from the Powers given the several Courts by that Law, whereby the Authority of those Courts are not only become dubious in that Part, but the said Macnemara has, seemingly, depended on the said Order as his Justification to treat them in an Indecent Manner, when he pleads before them, and even to despise their Authority, and Affront their Persons; which they have been cautious of punishing him for, being partly deterred by the great Interest in England, whereon he has frequently Valued himself, as being far superior to theirs, and partly by the Threatening, Litigious and Revengeful Temper, as well as his Method of Practising upon many unthinking People, to suprize them into Certificates and Affidavits in his Favour, the better to gain his Points of those that thwart him; by which he has at Length arrived to so Intollerable a Degree of Pride and Arrogance, that he has even attackt the Governour himself in his Character and Government, for Cautioning Maurice Birchfield, Esq; his Majesty's Surveyor-General against preferring the said Macnemara to the Collectorship of Patuxent, as a Person of suspected Character and Principle, the said Macnemara being at first coming into this Province, an high Papist, and since declared himself to be of the Church of England, without any other Motives ever heard of by this Assembly, save those of Interest for the sake of his Practice and having Opportunity thereby of serving a Popish Faction on all Occasions, as he has frequently done, particularly in his appearing in the Defence of some of them, when prosecuted in a special Court of Oyer and Terminer for drinking the Pretender's Health, and audaciously Cursing His sacred Majesty, King George, and firing the City Guns on the supposed Pretender, on which Occasion he so warmly espoused their Cause, as even to dare that Court to proceed against them.

And whereas it is obvious to this present General Assembly, That the said Macnemara's Insolence has much encreased since he has the Honour to be employed to prosecute the Suits of the Crown, by the Means of the said Maurice Birchfield, Esq; insomuch as he has

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affronted the Governour and Chancellor of this Province, publickly in the Execution of his Office; and altho' required by the Right Honourable the Lords Baltemore and Guilford to make a reasonable Submission for such his Offence, has wilfully declined it, altho' his Excellency was pleased to give him, with great Tenderness, a handsome Opportunity of doing it, which gives sufficient Testimony of the said Macnemara's continued Resolution to persist in the Justification of his ill Conduct; which sundry Magistrates of the best Esteem have declared themselves, by their Representation in Writing to this present General Assembly, so Uneasy under, that they will no longer continue in their Stations, if so Turbulent and Insolent a Person be allowed to practice before them. All which Actions, and many more (some whereof he has been Convict of, and others been acquitted from, by his Management of Juries, and Subtilty in the Law) too tedious to enumerate, are of so Haughty and daring a Nature, that the Honour of the Government cannot be supported, nor the Magistrates be safe and easy in the Execution of Justice, nor the Peace of this Province preserved, unless some Remedy be provided, not only for the Discouragement of him the said Thomas Macnemara, but all others of the like Demeanour: It is therefore Humbly prayed that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That the several Magistrates in this Province be and are hereby required to observe, with Strictness, the Demeanour of all Practitioners, before them, as well as others, who shall use any undecent Liberties, to the Lessening the Grandure of the respective Courts; and be and are hereby required and impowered to discountenance and punish the same, by Suspension or Fine, at their Discretion, not exceeding One Thousand Pounds of Tobacco for any one Offence, on pain of being Censured by the Legislature of this Province, for Neglect of their Duties, in suffering his Lordship's the Right Honourable the Lord Proprietary's Authority to be trampled on, and giving up the Dignity thereof.

And be it likewise Enacted, That the said Thomas Macnemara, for his continued ill Practices, be, and is hereby from henceforth disabled from practising the Law as Council, Attorney, Sollicitor, or otherwise, in any Court of Judicature within this Province, any Law, Statute or Usage to the contrary, notwithstanding. Saving to the said Macnemara a Liberty to Finish all such Actions as are now depending, wherein it appears by Record he is actually concerned for any Person or Persons, on behaving himself decently, except in the Chancery Court, wherein he has been already Suspended in all Cases, save those that relate to the Crown.

Session Laws 1718 Chap. II [Evan Jones' compilation printed by Bradford, 1718, continues 1714, ch. IV]

An Act for Reviving and Continuing an Act of Assembly of this Province, Entituled, An Act for Relieving the Inhabitants of this Province, from some Aggreivances in the Prosecution of Suits at Law,

In full Force and Strength, for and during the Term of Three Years, and to the End of the next Session of Assembly which shall happen after the said Three Years.

1719 [Ch. XVII Session Laws printed by Bradford for Evan Jones, 1719, p. 221; ch. II, III, IV, XII, XIV, XV, XVI of Acts this Session printed in Vol. 33 of Archives, beginning at p. 458]

An Act for Disabling Thomas Macnamara Esq; to Practice the Law within this Province.

Whereas Thomas Macnamara, Esq; a late Practitioner of the Law and Attorney in several of the Courts within this Province, has been sundry times Suspended here and in the Province of Pennsilvania, for his Misdeeds, and Re-admitted to his Practice on his fair Promises of Amendment. And whereas by An Act of Assembly of this Province, Entituled, An Act for Rectifying the Ill Practices of Attorneys of this Province and Ascertaining Fees to the Attorney General, Clerk of Indictments, Attorneys and Practitioners of the Law in the Courts of this Province, and for Levying the same by way of Execution, The several Courts have Power given them to Admit and Suspend such Practitioners Salvo Jure Corone.

And whereas the said Thomas Macnamara, on a late Suspension from his Practice, obtained Her late Majestie's Order to be Restored to it again, which the said Macnamara has often suggested to be an Exemption of him from the Powers given the several Courts by that Law, whereby the Authority of those Courts are not only become Dubious in that part, but the said Macnamara has seemingly depended on the said Order as his Justification to treat them in an indecent manner when he Pleads before them, and even to despise their Authority, and Affront their Persons, which they have been Cautious of Punishing him for, being partly deterred by the great Interest in England, whereon he has frequently valued himself, as being far superior to theirs, and partly by the threatning Litigious and Revengeful Temper, as well as his method of Practicing upon many unthinking People, to surprize them into Certificates and Affidavits in his favour, the better to gain his Points of those that thwart him, by which he was at length arrived to so intollerable a degree of Pride and Arrogancy, that he has even attack'd the Governour himself in Character and Government for Cautioning Maurice Birchfield, Esq; his Majestie's Surveyor General, against preferring the said Macnamara to the Collectorship of Petuxent as a Person of Suspected Character and Principle, which his Excellency thought himself indispensibly obliged to do, by his Majestie's Royal Instructions relating to the Officers of the Customs within this Province (the said Macnamara being at his first coming into this Province an Irish Papist, and since Declared himself to be of the

Church of England, without any motives ever heard of by this General Assembly, save those of interest for the sake of his Practice, and having opportunity thereby of serving a Popish Faction on all occasions, as he has frequently done, particularly in his appearing in the Defence of some of them, when prosecuted in a special Court of Oyer and Terminer, for Drinking the Pretender's Health, and audaciously Cursing his Sacred Majesty King George, and for firing the City Guns on the supposed Birth Day of the Pretender; on which occasion he so warmly espoused their Cause, as even to dare that Court to proceed against them, altho' at the time when the said Guns were fired, the Governour being occasionally absent upon the service of the Province, and the said Thomas Macnamara being then Mayor of the said City, it was his Duty as Chief Magistrate in the place, to have issued his Warrant in order to the discovering and prosecuting the Offenders, which he not only totally omited to do, but instead thereof Espoused their Cause, in manner aforesaid. And whereas it is obvious to the present General Assembly, that the said Macnamara's Insolence has much increased since he had the Honour to be Employed to prosecute the Suits of the Crown, by the Means of the said Maurice Birchfield, Esq; insomuch as he has Affronted the Governour, and Chancellour of this Province publickly in the Execution of his Office; and altho' required by the Right Honourable the Lords Baltemore and Guilford to make a Reasonable Submission for such his Offence, has willfully declined it, altho' his Excellency was pleased to give him, with great Tenderness, a handsome Opportunity of doing it, which gives a sufficient Testimony of the said Macnamara's Continued Resolution to persist in the Justification of his ill Conduct; which sundry Magistrates of the best Esteem have declared themselves so uneasie under, that they will not longer continue in their Stations, if so Turbulent and Insolent a Person be allowed to practice before them, as by a Representation hereto Annexed more fully appears.

Session Laws p. 222

All which Actions, and many more (some whereof he has been Convict of, and others been acquitted from by his Management of Juries and subtilty in the Law, too tedious to Enumerate) are of so Haughty and Daring a Nature, that the Honour of the Government cannot be supported, nor the Magistrates be safe and easie in the Execution of Justice, nor the Peace of this Province preserved Unless some Remedy be provided for the Discouragement of him the said Macnamara in such his Practices.

And whereas the said Macnamara has appeared to two several Indictments found against him in the Provincial Court, and one in Anne-Arundel County-Court, within this Province, in the Year Seventeen Hundred and Eighteen; And whereas there was one other Indictment found against him in the Provincial Court in the same Year, as by the said several Indictments annexed may more

Session Laws fully appear, whereto he hath not appeared; all which Indictments Still depend against him in the said Courts undetermined, since which he hath with drawn himself and fled from Justice.

Be it therefore Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour and the Upper and Lower-Houses of Assembly, and by the Authority of the same, That the said Thomas Macnamara for his Continued ill practices be and is hereby from hence forth disabled from practising the Law, as Council, Attorney, Solicitor, or otherwise, in any Court of Judicature within this Province, unless he the said Macnamara, shall make his Personal Appearance to this or the next Session of Assembly, and shall then shew, on a full hearing, sufficient Cause to the contrary thereof, any Law, statute, Usage or Custom to the contrary notwithstanding; Saving to the said Macnamara a Liberty to finish all such Actions as are now depending, p. 223 wherein it appears by Record he is Actually concerned for any Person or Persons, on behaving himself decently, Except in the Chancery Court, wherein he has been already suspended in all Cases, save those that relate to the Crown, which Cases relating to the Crown the said Macnamara is not intended hereby to be debarred or disabled from prosecuting, if those that are entrusted think fit to Employ him therein.

The Representation, and the Indictments mentioned in the aforegoing Bill, follows in these Words, viz.

Maryland, ss.

The Jurors for the Right Honourable the Lord Proprietary of this Province, that now is, &c. Upon their Oath do Present, That Thomas Macnamara, late of the City of Annapolis in Anne-Arrundel County, Esq; otherwise called Thomas Macnamara of the City and County aforesaid, Gentleman, the thirtenth day of July, in the second Year of the Dominion of the said Right Honourable Charles Lord Baron of Baltemore, Absolute Lord and Proprietary of this Province, and in the Year of our Lord God, One Thousand seven Hundred and Seventeen, at the City of Annapolis in Anne-Arrundel County, well knowing his Excellency John Hart, Esq; to be duly Authorized and Commissioned by his Lordship, the Lord Proprietary aforesaid, and his Noble Guardian Francis Lord Guilford, by their Commission duly Published and Recorded within this Province, to be the said Lord Proprietarie's Capt. General and Lieutenant Governour in and over the said Province, and as such by his most Sacred Majesty, our now Sovereign Lord King George, to be approved; and likewise, well knowing his said Excellency John Hart, Esq; by such their said Lordship's Commission, Duly Published, as aforesaid, and Recorded in the Secretary's Office of this Province, to be appointed Keeper of the said Lord Proprietaries

Great Seal used in this Province, but being of a Refractory and Turbulent Disposition, and intending to deter and prevent his said Excellency John Hart, Esq; Governour and Keeper of the Great Seal aforesaid, from the Lawful Execution of his Office of Keeper of the Great Seal aforesaid, and from Using the same at the said Lord Proprietary's Court-House, commonly called the Stadt-House, within the City of Annapolis, in Anne-Arrundel County, then and there having discourse with a certain Michael Howard of the same City and County Esq; and the said Michael Howard then and there telling the said Thomas Macnamara, That he had got a Supersedeas to his Replevin (meaning a Writ of Replevin about that time sued out of the Court of Chancery by the aforesaid Thomas Macnamara, for a Certain Andrew Dalrymple of Somerset County, Merchant, to Replevy one Sloop, Called, The Nightingale Fifteen Hogsheads of Tobacco and two Casks of Rum, said, by the said Dalrymple to be taken from him by William Stoughton, Esq; against Sureties and Pledges, &c.) the said Thomas Macnamara well knowing that the aforesaid Writ of Supersedeas was only Grantable by his Excellency p. 224 John Hart, Esq; Governour aforesaid, as Keeper of the aforesaid Great Seal, then and there in the hearing of the said Michael Howard, Esq; and divers others Leige Subjects of our Sovereign Lord King George (that now is) did say and utter the following Words, in a threatning manner and accent (to wit) I (himself the said Thomas Macnamara meaning) wish I could see him (the Person meaning) that dare grant such a Writ (the aforesaid Writ of Supersedeas granted by the Governour, as Keeper of the Great Seal aforesaid, meaning) and further the Jurors aforesaid, upon their Oaths do say, That afterwards, to wit on the thirteenth day of August, in the year aforesaid, the aforesaid Thomas Macnamara being a Magistrate and Alderman of the aforesaid City of Annapolis, but of a Turbulent, Babbling, Wicked and Seditious Spirit, the Cordial respect and due Obedience which to the Person of his said Excellency John Hart, Esq; the then and yet Lieutenant Governour of this Province, and the Government thereof by Royal Authority Established and Appointed to have and bear, he ought, with-drawing, and the Authority to his said Excellency John Hart, Esq; Governour, as aforesaid, granted in and by their said Lordship's Commission, then and still on Record, and duly published within this Province, contemning and setting at nought, and the Good Rule and Administration of the Government of his said Excellency John Hart, Esq; in and over this Province, as well as his said Person to render Odious, Contemptible and Vile in the Eyes of Good People of this Province, and other his Majestie's Liege Subjects, and to stir them up to Sedition and breach of his Lordship's Peace and good Rule within this Province, Endeavouring, being then and there within the Attorney's Bar in the said Lord Proprietaries Court-House, in the

Session Laws same City, wherein Anne Arrundel County Court was then held, and the Justices of the same County in fall County Court then and there sitting, and very many People, suitors to the said County Court attending thereon, as well as other of his Majesties Liege Subjects, the aforesaid thirteenth day of August, in the Year aforesaid, did Maliciously and Falsely, directing his Discourse to the aforesaid Justices, Suitors, and others then and there attending the same County Courts, publish and declare, and then and there say, That the Governour (his said Excellency John Hart, Esq; meaning) had shook his Whip (the Horse Whip of his said Excellency the Governour, meaning) at him (the said Thomas Macnamara meaning) and that he (the said Governour meaning) had laid his Hand (the Hand of the said John Hart, Esq; aforesaid, meaning) upon his Sword (the Sword of his said Excellency John Hart, Esq; Governour, meaning) and that if any one made such a Complaint to him (himself the said Thomas Macnamara meaning) as a Justice or Magistrate, He (the said Thomas Macnamara, meaning) would issue his Warrant (the Warrant of the same Thomas Macnamara meaning against the said Governour meaning) to the great derogation of the Dignity and Authority of his Lordship's said Governour John Hart, Esq; to the manifest Contempt of the Right Honourable the aforesaid Lord Proprietary, and of his said Commission and Authority to his said Excellency John Hart, Esq; granted, as aforesaid; and to the Evil, Example of many others, Offenders in the like Case; and against his Lordships Peace, good Rule and Government.

VV. Bladen, Attor. Gener.

Endors'd Billa vera, Samuel Chambers, Fore-man

p. 225 Maryland ss.

The Jurors for Our Lord the King that now is, &c. And the Right Honourable the Lord Proprietary of this Province, upon their Oathes do present, That Thomas Macnamara, late of the City of Annapolis in Anne Arundel County, Esq; otherwise called Thomas Macnamara of the County of Anne-Arundel, Esq; the twentieth day of May in the Third Year of the Dominion of the said Lord Proprietary, at Anne-Arundel County aforesaid, being the Agent or Attorney of Maurice Birchfield, Esq; Surveyour General of the Customs of our said Sovereign Lord the King, in the Southern District of America, and by him the said Maurice Employed to Recover and Receive divers Sums of Money from divers People within this Province, in the name of the said Surveyor General, for the use of our said Lord the King, and particularly from a certain Abraham Birkhead of the aforesaid County Planter, the Sum of fifty six Pounds ten Shillings and four pence Sterling, with the lawful Interest thereupon, due from the fifth day of December, in the Year of our Lord

Christ one thousand Seven hundred and Seventeen, till the payment of the aforesaid Sum, most Craftily, injuriously, deceitfully, wickedly and Extortiously, upon the aforesaid, twentieth day of May, in the Year aforesaid, at the County aforesaid, did Extort, require, and took and had from the said Abraham Birkhead, in lieu of the aforesaid Sum of Money and Interest aforesaid, the full Sum of Eighty Six Pounds five Shillings, Sterling, being twenty Eight pounds Sterling, more than was due from the said Abraham, and the same did then and there deceitfully Convert to his proper Use, to the great Impoverishment of the said Abraham Birkhead, and to the pernicious Example of other Malefactors, and against the peace of Our said Sovereign Lord the King, his Crown and Dignity, and the Good Rule and Government of the Lord Proprietary, &c. Session Laws

William Bladen, Attorney Gener.
Billa Vera W. Wovat, Foreman.

Maryland, ss.

The Jurors for the Right Honourable the Lord Proprietary of this Province that now is &c. Upon their Oathes do present, That Thomas Macnamara late of the City of Annapolis, Gentleman, otherwise called Thomas Macnamara of the aforesaid City and County, Esq; the thirtieth day of September, in the Year of our Lord God One thousand Seven hundred and Sixteen, at Anne-Arundel County deceitfully, Injuriously and unlawfully did Exact, take and receive of and from a certain John Brannock of Dorchester County, Gentleman the quantity of Eleven hundred and twelve pounds of Tobacco, then and there pretending the same to be due to him the said Thomas Macnamara for certain Additional Cost of Suit upon a supersedeas before that time obtained, by a certain Ed. Brannock of Dorchester County, Planter, of a Judgment recovered in the Provincial Court against him the said Ed. Brannock, for the Sum of Eleven thousand pounds of Tobacco, a certain Debt, as also the Sum of Eight hundred and Seventeen Pounds of Tobacco, cost of Suit thereon, And for his the said Thomas Macnamaras Cost and Expences on a certain Writ of Audita Querela, before that time brought by a certain Edward Newton of Dorchester County, against the said Thomas Macnamara to the Provincial Court of this Province; all which he the said Thomas Macnamara then and there affirmed the said John Brannock was liable to answer and Satisfy p. 227 to him the said Thomas Macnamara, together with Interest on the said Costs and Expences amounting to the aforesaid quantity of Eleven hundred and twelve Pounds of Tobacco whereas in truth no such quantity of Tobacco for such additional or other Costs and Expences were due to the same Thomas Macnamara, to the great damage of the said John Brannock, and the Contempt of the Laws

Session Laws of this Province and the said Lord Proprietary, his good Rule and Dignity.

William Bladen Attorney Gener.
Billa Vera Samuell Chambers, Fore-man.

Ann-Arundel County ss.

The Jurors of the Right Honourable the Lord Proprietary of this Province that now is, &c. Upon their Oathes do present, That Thomas Macnamara of the City of Annapolis in Anne-Arundell County, Esq; the twenty Sixth day of December in the Year of our Lord One thousand seven hundred and Seventeen, at South River in the County aforesaid, and within the Jurisdiction of this Court with Force and Arms an Assault on the Body of a certain Benjamin Freeman of the County aforesaid Labourer, then and there in the peace of God and Our Lord the King being, did make, and him the said Benjamin Freeman with Swords, Horse-whips, Fists and Staves, did then and there beat, wound and evilly entreat, so that of his life it was dispaired, and other harms to him then and there did, against the Peace, &c. And the good Rule and Dignity of the Right Honourable the Lord Proprietary, &c.

William Bladen Attorney Gener.
A True Bill, Francis Hardisty, Foreman.

To his Excellency and the Upper and Lower Houses of Assembly,

The Humble Representation of some of the Justices of the Provincial Court [This representation is printed in *Archives,* volume 33 at pages 171 and 172].

1719 Chap. I [Session Laws printed by Bradford for Evan Jones, 1719, p. 232; revives 1715, ch. 43]

An Act Reviving, An Act of Assembly of this Province, entituled, An Act for the Ordering and Regulating the Militia of this Province, for the better defence and security thereof.

Be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordships Governour, and the Upper and Lower-Houses of Assembly, and the Authority of the same, That the above-mentioned Act, entituled An Act for Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof, made at a Session of Assembly begun and held at the City of Annapolis the twenty sixth Day of April, Anno Domini One Thousand seven Hundred and fifteen, be and is hereby Revived and continued in full Force, from and after this Present Sessions of Assembly, for and during the Term of three Years, and until the End of the next Sessions of Assembly, which shall first happen after the End of the said Three Years, and no longer.

An Act Reviving, An Act of Assembly of this Province, Entituled, An Act for Encouragement of Tillage, and Relief of Poor Debtors, and for Supplying some Defects therein.

Session Laws 1719 Chap. XI [Session Laws printed by Bradford for Evan Jones, 1719, p. 232; revives 1715, ch. 17]

Be it Enacted by the Right Honourable the Lord Proprietor, by and with the advice and Consent of his Lordship's Governour, and the Upper and Lower-Houses of Assembly, and by the Authority of the same, That the above-mentioned Act, entituled, An Act for Encouragement of Tillage, and Relief of poor Debtors, Made at a Session of Assembly begun and held at the City of Annapolis the twenty sixth Day of April, Anno Domini One Thousand Seven Hundred and fifteen, Be and is hereby Revived and continued in full p. 233 Force from and after this Present Session of Assembly, for and during the term of three Years, and until the end of the next Session of Assembly, which shall first happen after the end of the said three years, and no longer.

And be it further Enacted by the Authority, advice and Consent aforesaid, That all and every Person or Persons who shall be desirous of taking the benefit of the Act aforementioned, shall before the discharge of his, her or their Body, by Virtue of that Act, first make his, her or their Corporals Oath, to be to him, her or them administred by one Justice of the Provincial, or two of the County-Court, that he, she or they have not nor had at the time of his, her or their being taken, in Execution, the particular Specie, for which he, she or they were prosecuted, and then under Execution, or any part thereof, more than what he, she or they will pay to his, her or their Creditor or Creditors, if he, she or they think fit to accept thereof.

And be it further Enacted, That in case any Person or Persons so taking the benefit of the Act aforesaid, shall perjure themselves before such Provincial or County Justices, and be thereof Convict, he she or they shall undergo the like pains and Penalties as Persons Convict of Wilful and Corrupt Perjury.

An Act for Limitation of Officers Fees.

1719 Chap. XVIII [Session Laws printed by Bradford for Evan Jones, 1719, p. 238; continued by 1723, ch. 23, and 1724, ch. 21; expired 1725]

Be it Enacted by the Right Honorable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour and the Upper and Lower-Houses of Assembly and the Authority of the same, That from and after the Publication hereof, no Officer or Officers hereafter mentioned in this present Act, their Ministers, Servants or Deputies, by reason or Colour of his or their Office or Offices, have receive or take of any Person or Persons, directly or indirectly, any other Fees than by this Act is hereafter Limited and allowed to the several Officers hereafter mentioned.

Session Laws

To the Chancellor or Keeper of the Greater Seal.

FOR

The Seal of an Original Writ, Six Pounds of Tobacco.
The Seal of a Recordary, Twelve Pounds of Tobacco,
The Seal of a Subpœna ad Respondendum with three Names, or under, Fifteen Pounds of Tobacco.
Every Name more than Three; Six Pounds of Tobacco.
The Seal to a Proclamation of Rebellion, three Hundred and Sixty l. of Tobacco.
The Seal of a Commission of Rebellion, three Hundred and Sixty l. of Tobacco.
The Seal of a Grant of Land for one Hundred Acres, or under, One Hundred and twenty pounds of Tobacco.
Every Hundred Acres above one Hundred Acres twelve pounds of Tobacco.
Seal of a decree in Chancery, Four Hundred and thirty pounds of Tobacco.
Seal of an Injunction in Chancery, two Hundred and Forty l. of Tobacco.
Seal of Contempt, Fourteen pounds of Tobacco.
A Proclamation of Rebellion, Ninety Pounds of Tobacco.
An Injunction, Forty five pounds of Tobacco.
An Audita Querela; Seventy Five pounds of Tobacco.
A Writ of Enquiry of Damages, Thirty pounds of Tobacco.
A Writ of Covenant to pass a Fine, twelve pounds of Tobacco.
A Commission to take an Acknowledgment, Ninety pounds of Tobacco.
A Writ of Assize, twenty three pounds of Tobacco.
A Commission to fine Officer's, upon a Melius Inquirendum or Monstraverunt, Ninety pounds of Tobacco.
Ne Exeat Provinciam, Ninety pounds of Tobacco.
p. 239 Drawing any Instrument that passeth the Seal, if it Exceed one side, computing seven Words to line and fifteen Lines to a side, and so pro Rato, for more, Twelve Pounds of Tobacco.
Recording the same, as before Twelve Pounds of Tobacco.
Entring any other matter upon Record, if it Exceed half a side of a Leaf, Six pounds of Tobacco, if the Matter entred upon Record be above half a side, Computing, as before, for every side, Twelve Pounds of Tobacco.
Copying the same, with Recording, Twelve Pounds of Tobacco.
Any Warrant, a Lysence against or to one Person only, not under the Seal, twelve pounds of Tobacco.
any Warrant or Lysence against or to more then one, not under the Seal, then for each, twelve pounds of Tobacco. For any other pass or Discharge not under the Seal twelve l. Tobac. For Search of a Record, the first Year, nothing.
Search of a Record above One Year standing, for every Year within the first five Years Three Pounds of Tobacco,

Session Laws

FOR

Every Year above, Two Pounds of Tobacco yearly.
Filing every Bill in Chancery, thirty pounds of Tobacco.
Every Court the same shall continue, thirty pounds of Tobacco.
Filing every Answer, twenty Seven pounds of Tobacco.
Every Oath to the same Nine pounds of Tobacco.
Writing a Commission and Bond, and Recording it,
Every Sheriff's Office, One Hundred and Eighty pounds of Tobacco.
a Writ of Posse Comitatus Ninety Pounds of Tobacco.
a Writ of Discharge, if any, Ninety Pounds of Tobacco.
Writing and Recording a Commission, and dedimus potestatem,
The County-Court, two Hundred Forty Eight pounds of Tobacco.
Every Writ and Return, twenty one pounds of Tobacco,
Every Supœna and Return, twenty Nine pounds of Tobacco,
Filing and Recording every Declaration, per side, accounting fifteen Line's to a side, and seven Words to a Line twelve pounds of Tobacco.
A Copy of the same, at the same Rate, not to be Charged, unless required and delivered.
Every Appearance entred, Nine pounds of Tobacco.
Entry of an Imparlance, Six pounds of Tobacco.
a Continuance or Refferance, Six pounds of Tobacco,
Filing a Plea; if not special, Six pounds of Tobacco.
a special Plea, per side, as before, twelve pounds of Tobacco.
Making up the issue, twenty Four pounds of Tobacco.
Rule to plead, or for Tryal, Six pounds of Tobacco.
a Venire facias for Juror's twenty one pounds of Tobacco.
a Copy of the Pannel, Six pounds of Tobacco.
Every Verdict, Six pounds of Tobacco.
Entring Judgments, twenty Four pounds of Tobacco.
Signing Judgments, Eighteen pounds of Tobacco.
a Transcript of the whole proceedings, as before per side, twelve l. of Tobacco.
a Copy of the Judgment, twenty Four pounds of Tobacco.
Filing of a Bill of Cost, twelve pounds of Tobacco.
A Copy of it, if demanded and delivered, twelve pounds of Tobacco.
Every Execution and Return twenty Four pounds of Tobacco.
An Attachment and Scire facias, Forty two pounds of Tobacco.
Every special Bail, twelve pounds of Tobacco.
Drawing a protest, and Recording it, 180 l. of Tobacco,
Filing and Recording any Demurer, twelve pounds of Tobacco.
Drawing any other matter or thing, as Publick Notary, attested under the Seal, thirty eight pounds of Tobacco. If it exceed one side, then, per side, twelve pounds of Tobacco. p. 240
Recording a Patent for Land, ninety pounds of Tobacco.

Session Laws

FOR

Proving Rights, per poll, two pounds of Tobacco,
Entring an Assignment, not of an Audita Querela, 120 l. of Tobacco.
Seal to Execution of a Decree in Chancery, 162 l. of Tobacco,
Seal of a Writ of covenant for passing a Fine, fifteen pounds of Tobacco,
Seal of a Commission to take acknowledgment, 120 l. of Tobacco,
The Chancellors Hand to a Writ of Assize, two hundred forty l. of Tobacco,
Seal to a Writ of Error to the Council two hundred & forty pounds of Tobacco,
Seal to a Scire facias thereupon, two hundred and forty pounds of Tobacco,
Seal of Supersedeas thereupon, two hundred and forty pounds of Tobacco.
The Seal to a Certiorary, two hundred and forty pounds of Tobacco,
The Seal to an Exemplification of Land, the same with the Patent or Grant,
The Chancellors Hand to a Writ of Covenant, two hundred & forty l. of Tobacco.
The Seal of a Mandamus, One hundred and twenty pounds of Tobacco.
The Seal to a Melius Inquirendum, One hundred and twenty pounds of Tobacco,
The Seal of a Commission of a County-Court, 430 l. of Tobacco.
Seal of a Dedimus potestatem to Sweare the Justices, 240 l. of Tobacco,
Seal of a Supersedeas to a Commission of Rebellion, or Supplicavit, two hundred and forty pounds of Tobacco.
The Seal of Sheriffs Patent for his Office, Four hundred and eighty l. of Tobacco.
The Seal of a Posse Commitatus, One hundred and twenty pounds of Tobacco.
Seal of a Writ of Discharge, if any, One hundred and twenty pounds of Tobacco.
Seal of a Patent of Denization, Four hundred and thirty pounds of Tobacco.
Seal of a Ne Exeat provinciam, one hundred and twenty pounds of Tobacco.
Seal of a Writ of Error from any County-Court, one hundred & twenty l. of Tobacco,
Seal of a Scire facias thereupon, one hundred and twenty pounds of Tobacco.
Seal of a Supersedeas thereupon, One hundred and twenty pounds of Tobacco.

FOR

Seal of every other Matter or thing that shall pass the Great Seal, and not herein Contained, each, One hundred and twenty pounds of Tobacco. Session Laws

To the Commissary General or Chief Judge in Testamentary Causes.

FOR

Every Letter of Administration, or Letter Testamentary, Seventy five pounds of Tobacco,
Every Bond, Forty five pounds of Tobacco,
Every Oath, twelve pounds of Tobacco.
A Warrant to Appraisors twenty one pounds of Tobacco,
Every Warrant to Swear them, twenty one pounds of Tobacco,
Every Commission to prove a Will, or take Oath to Account, or of Administration, Seventy five pounds of Tobacco.
Recording Wills, Inventories, or Copying the same, or any other matter out of the Commissiary's Office, twelve pounds of Tobacco per side, computing seven Words to a Line and Fifteen Lines to a side.
Every Order in Testamentary Causes, twelve pounds of Tobacco,
Every Citation, Fifteen pounds of Tobacco,
Filing every Libel, Answer, Replication, Petition, &c. thirty l. of Tobacco.
Subpœna for Costs, twelve pounds of Tobacco.
Drawing definitive Sentence, per side, twelve pounds of Tobacco. p. 241
Filing of Costs, twelve pounds of tobacco. For Copy of Costs, twelve pounds of Tobacco.
Recording Definitive Sentence, per side, twelve pounds of Tobacco.
Executing Definitive Sentence, per side, twelve pounds of tobacco.
Seal to the definitive Sentence, Three hundred and Sixty pounds of Tobacco.
Seal to the Execution of such definitive Sentence, One hundred and Eighty pounds of Tobacco.
A Copy of every Answer, Libel, Replication or Rejoynder, as before, per side, twelve pounds of Tobacco.
Drawing Depositions of Witnesses, per side Twelve Pounds of Tobacco,
Filing Interrogatories, thirty pounds of Tobacco.
Entry of demand for Administration, or Probat of Wils, Six Pounds of Tobacco.
Every Appearance, thirteen pounds of Tobacco.
An Attachment of Contempt, fortytwo pounds of Tobacco.
A Quietus est, Seventy five pounds of Tobacco.

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Secretary's Fees.

FOR

A Recordari, Nine pounds of Tobacco,

A Sub pœna ad Respondendum with three Names, twelve pounds of Tobacco. For every name more than three, five Pounds of tobacco.

An Attachment of Contempt not Exceeding half a side, twelve pounds of Tobacco. For Entring a Certificate for Land, twelve pounds of Tobacco. per side, as before.

A Warrant for Land, twenty One pounds of Tobacco.

A Warrant of Resurvey, per Order of Council, Thirty Eight pounds of Tobacco.

A haberi facias possessionem, twenty one pounds of Tobacco,

A Replevin, twenty one pounds of Tobacco,

A Procedendo, twenty One pounds of Tobacco.

A Writ of Restitution, twenty One pounds of Tobacco.

Drawing Dedimus Potestatem to Examine Evidences thirty Eight pounds of Tobacco.

A Habeas Corpus, Thirty eight pounds of Tobacco.

A Certiorari, thirty eighty pounds of Tobacco.

A Commission to audit. thirty Eight pounds of Tobacco.

An Eligit thirty Eight pounds of Tobacco.

A Writ of Diminution, twenty one pounds of Tobacco,

A Writ of Error to the County-Court, thirty eight pounds of Tobacco

A Scire facias thereupon, thirty eight Pounds of Tobacco,

A Supersedeas thereupon, thirty eight pounds of Tobacco,

Entring an Acknowledgment of Land in Court, Nine Pounds of Tobacco.

Recording a Conveyance at Twelve Pounds of Tobacco. per side, as before.

Taking every Recognizance in Court, twenty one pounds of Tobacco

Discharge of every Recognizance, twenty One pounds of Tobacco.

A Venire facias, a Warrant to apprehend Criminals, Twenty three pounds of Tobacco,

Appearance, twelve pounds of Tobacco.

p. 242 Every Respite and Continuance, twenty One pounds of Tobacco.

Every Order in Criminal Cases, twelve Pounds of Tobacco.

A Copy of every Recognizance, Twenty One pounds of Tobacco,

Every Indictment, twelve pounds of Tobacco, per side.

Copy of every Indictment, the same. For Filing a Plea to the same Six pounds of Tobacco.

Session Laws

FOR

Confession to every Indictment, twelve pounds of Tobacco.

Allowance of a Writ of Error, twenty One pounds of Tobacco.

Every Indictment after the first Name, Eighteen Pounds of Tobacco.

Rule of Tryal, Twelve Pounds of Tobacco.

Copy of Pannel, Six Pounds of Tobacco.

Recording Verdict, Six pounds of Tobacco.

Entring Conviction, and signing Judgment, Forty two pounds of Tobacco.

A Writ of Execution thereon, Forty two pounds of Tobacco.

Taking security on Condemnation on Attachment, Twelve Pounds of Tobacco

Entring Action agreed, Six pounds of Tobacco.

To the Surveyor General and his Deputies.

FOR

The Survey or Resurvey of one Hundred Acres of Land, or under, One Pound of Tobacco per Acre, for any Quantity above One Hundred Acres, and under two Hundred Acres; for the first Hundred, as before and half a Pound of Tobacco for the rest per Acre. If between two Hundred Acres and five Hundred Acres, then for the first two Hundred Acres, as before, and a quarter of a pound of Tobacco for all Above.

For five Hundred Acres, as before, and for all above, Ten pounds of Tobacco. per Hundred Acres.

Every Plat, allowing three Plats for every survey (that is to say) one to the party, one to the Examiner General, and the other to be entred upon the Surveyor's Book, Ten Pounds of Tobacco. For the first Hundred Acres, or under; and after the rate of Five Pounds of Tobacco per Cent for all above the first Hundred Acres.

Journey Fees, if the same be distant from the Surveyor's-House twenty Miles, or under, Forty pounds of Tobacco; if above Twenty Miles, and under forty, Eighty pounds of Tobacco. If above Forty Miles, and under sixty, then One hundred and twenty pounds of Tobacco, and so pro Rato.

Every Certificate of survey, be the Quantity more or less, Five Pounds of Tobacco, and no more, except it be otherwise limited by the Act for ascertaining the Bounds of Lands.

Sheriffs' Fees.

FOR

Serving a Writ and Bayl-Bond thirty Five pounds of Tobacco.

Tending on a Prisoner, one Day, twenty Four Hours in Custody twenty pounds of Tobacco, and so pro rato for the first Month, and for every Day after the first Month, Ten pounds of Tobacco, per Day, and no more.

Session Laws

FOR

Collecting the publick Dues, for every Hundred, Ten pounds of Tobacco.

Serving an Attachment or Execution, Ten pounds of Tobacco.

And if any Execution be for above an Hundred, and under Five Hundred pounds of Tobacco, Fifty pounds of Tobacco. If it exceed Five hundred pounds of Tobacco, then One Hundred pounds of Tobacco. If it Exceed one Thousand, then for the first Thousand, One Hundred pounds of Tobacco. And every Thousand afterwards, Fifty pounds of Tobacco. p. 243

Commitment and Releasment, Forty pounds of Tobacco, and after the same Rate for Money or Tobacco.

And it is hereby declared, That it is the true Intent and meaning of this Act, that the several Sheriffs shall have no more Fees than for what shall appear to be justly due upon such Execution; and the same Fees for levying any Attachment for any Sum whatsoever, Money or Tobacco, or the full Value thereof, in any Goods or Merchandizes; Provided the same be Condemned to the Use of the party Plaintiff attaching the same, and pro Rato for such part thereof as shall be Condemned; and if no part shall be Condemned that shall be attached, that then the said Sheriff shall have only ten pounds of Tobacco, for returning the Writ, as aforesaid, and no more for Impannelling the Jury, than One hundred and twenty pounds of Tobacco.

Serving any Extraordinary Warrant or Commission, to be regulated by the Court, For serving a scire facias, including the Persons Summoned thirty pounds of Tobacco. For serving a Citation, thirty pounds of Tobacco.

Executing a Commission of Resurvey, per Day, One Hundred pounds of tobacco.

Impannelling a Jury, two Hundred and Forty pounds of tobacco. If Impowered to swear Jury and Evidences, then for every Oath, twelve pounds of Tobacco.

Every non est Inventus returned, ten pounds of tobacco.

Serving a Sub-pa'na. thirty pounds of tobacco.

To the Coroner.

FOR

Viewing the Body of any Person or Persons Murthered, Slain or otherwise Dead by Mis-adventure, to be made out of the Goods and Chattles of the Party so Dead, if any there be; otherwise levyed by the Commissioners of the County where such Accident shall happen, two hundred and Fifty pounds of Tobacco.

Arresting or Summoning any Sheriff sued or prosecuted in any Court, and for taking security, forty pounds of Tobacco.

FOR Arresting, summoning or Attaching any other Person or Persons wherein the Sheriff is Plaintiff, such Fees as are allowed to be taken by the Sheriff in such cases, and no more. Session Laws

To the Cryer of the Provincial Court.

FOR
Swearing every Jury, One hundred and forty four pounds of Tobacco.
Swearing every Witness, twelve pounds of Tobacco.
Swearing the Bailiff, twelve pounds of Tobacco.
Every special Bayl, Seventy two pounds of Tobacco.
Every Good Behaviour, Seventy two pounds of Tobacco.
Clearing every Prisoner by Proclamation, Eighty pounds of Tobacco.
The Acquittal of every Prisoner, Eighty pounds of Tobacco. p. 244
Every Appeal from the County-Court, fifty pounds of Tobacco.
Every Writ of Error returned from the County-Court, Fifty pounds of Tobacco.

To the Clerk of the Council.

FOR
Every Petition in Council, and Order in Favour of the party, One hundred and Fifty pounds of Tobacco.
Any Commission or other Instrument prepared by the said Clerk to pass the broad Seal, if for a Place of profit, two Hundred pounds of Tobacco.
Every Sheriff's Commission, Four Hundred Pounds of Tobacco.
Recording any Matter in Council, per side, Eighteen pounds of Tobacco, on account of a private Person. For Copy of any Matter from the Council Records, the same as for Recording. For Searches, the same as to the Secretary.

To the Clerk of the High Court of Appeals.

FOR
Recording every Writ of Error, scire facias and Return, per side, twenty Four pounds of Tobacco, and so pro Rato, as before, seven Words in a Line and twelve Lines in a Sheet; the like for Recording a Transcript, the like Fees for Recording the Errors.
Entring and Signing Judgment, Eighty four pounds of Tobacco.
Filing a Bill of Cost, twenty four pounds of Tobacco,
Copy of the same, twenty Four pounds of Tobacco.
All other Fees, as are taken in the provincial Court Office.

To the Clerk of the County Court.

FOR
A Writ and Return, fourteen pounds of tobacco.
Every Declaration of a side, Seven pounds of Tobacco, and so pro Rato, if more.

Session Laws

FOR

A Copy of the same if demanded, as before.
Entring of the Defendants Appearance, Five pounds of tobacco.
Every Imparlance, Four pounds of tobacco.
Filing every Plea or Demurrer, if not a special one four pounds of tobacco. If a Folio or more, pro Rato. If any Copy delivered, pro Rato
Entring any matter upon Record, if half a side or under, four pounds of Tobacco, if above half a side, then pro Rato at before.
A Sub-pœna, if but one Name, ten pounds of Tobacco; if more than one Name, twelve pounds of tobacco.
Rule to plead or Tryal. four pounds of tobacco.
Making up the Issue, Seven pounds of tobacco.
A Copy, if delivered, Seven pounds of tobacco,
Entring Judgment, Fourteen pounds of tobacco.
p. 245 Signing Judgment, ten pounds of tobacco, For a venire facias for Jury, ten pounds of tobacco. For Entring the Pannel, four Pounds of tobacco.
Filing a Bill of Cost, seven Pounds of tobacco. For a Copy of the same, seven Pounds of Tobacco. For Execution and Return, fourteen pounds of Tobacco.
Special Bail, Six Pounds of Tobacco. For a Writ of Enquiry of Damages, Thirty six Pounds of Tobacco. For entring an Appeal, Seven Pounds of Tobacco. For the Return of a Certificate, Copy of the Record, per side, Seven Pounds of Tobacco.
Entering a Writ of Error, Seven Pounds of Tobacco.
Every Oath, Five Pounds of Tobacco. For proving a Deed or Writing, Seven Pounds of Tobacco.
A Copy of the same, if required, per Folio, Seven Pounds of Tobacco,
Recording the Mark of Cattle and Hogs, Four Pounds of tobacco.
Taking the Acknowledgement of Land in Court, twelve Pounds of tobacco.
Recording a Conveyance for Land, per side, Seven Pounds of tobacco.
Allowance of Habeas Corpus, Seven Pounds of tobacco.
All Searches. two Pounds of tobacco, per Year.

For Criminals.

FOR

Taking every Recognizance, Fourten Pounds of tobacco,
Discharge of Recognizance, twelve pounds of tobacco.
A venire facias or Warrant, twelve pounds of tobacco.
Every Appearance, Seven Pounds of tobacco.
Every Respit and Continuance. Seven Pounds of tobacco.

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FOR
Every Order, Seven Pounds of Tobacco, For a Copy of Recognizance, Fourteen Pounds of tobacco.
Every Indictment, per side, Seven Pounds of tobacco,
A Copy of the Pannel, Four pounds of tobacco.
Recording the Verdict, six pounds of tobacco.
Entring the Judgment, twenty two Pounds of tobacco.
Execution of the Judgment, twenty two pounds of tobacco.
The Copy of the Indictment, per Folio, Seven Pounds of tobacco.
Filing a Plea, Seven Pounds of tobacco,
Confession of Indictment, Seven Pounds of tobacco.
Taking security on Condemnation on Attachment, six pounds of tobacco.
Entring Action agreed, Four pounds of tobacco.

To the Cryer of the County Court.

FOR
Swearing every Jury, Seventy two Pounds of Tobacco.
Swearing the Bailiff, Six Pounds of tobacco.
Every Oath, Six pounds of tobacco.
Special Bail, thirty six Pounds of Tobacco.
Good Behaviour, thirty six Pounds of tobacco.
Clearing every Prisoner by Proclamation or Acquittal, Forty Pounds of tobacco.

And be it further Enacted by the Authority aforesaid, by and with the advice and Consent aforesaid, That the several Naval Officers, their sufficient Deputy or Deputies belonging to the several and respective Districts next adjoyning to the City of Annapolis, and to the Town and Port of Oxford, shall constantly reside at the said City and Port, for giving dispatch to all Ships or Vessels trading or coming into the said City and Port. p. 246

And it is hereby further Enacted and Declared by the Authority, Advice and Consent aforesaid, That the several and respective Naval Officers of this Province within their several and respective Districts, for the several Acts and Things relating to their Office by him or them enjoyned to be done, shall have and receive the Fees mentioned in an Act of Assembly made at a Session of Assembly, begun and held at the City of Annapolis the twenty Eight Day of May Seventeen Hundred and Seventeen, entituled, A Supplementary Act for Limitation of Officer's Fees, shall have and receive the Fees mentioned, and no more.

And be it further Enacted by the Authority aforesaid, That all small Boats belonging to this Province, and being under Eighteen Foot by the keel, shall pass and repass without any let, hinderance, Molestation or Seizure of the same (unless they shall carry and have on Board them prohibited Goods, or Goods liable to pay Cus-

Session Laws tom to his Majesty, not cocquetted or cleared for the same) without being Obliged to take out permits for such passing or repassing, as aforesaid; and that the Masters of all Shallops or open Boats trading within this Province, do pay to the several Naval Officers or their Deputy or Deputies appointed for the granting of Permits, the Sum of Two Shillings and Six Pence currency yearly, and no more, for the granting such permits as aforesaid, and shall give good Security, to be taken by such Officer aforesaid, or their Deputy or Deputies, in his Majesty's Name, That he and they shall and will duly observe the Acts of Trade and Navigation and other good Laws of this Province relating thereto,

And be it further Enacted, That all and every Collector and Collectors of this Province, shall have and receive such Fees for entring and Clearing such Ships and Vessels aforesaid, as are above allowed to the Naval Officers, and no more; and that all Collectors and Naval Officers shall make a fair Table of their Fees, and hang up in their Offices under the Penalty of Fifty Pounds Sterling to his Lordship, his Heirs and Successors, for the Support of Government, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, protection or Wager of Law to be allowed.

Provided always, That in case any Person shall refuse to pay the same, so by this Act limited and allowed, it shall and may be Lawful for the Chancellour, Secretary, Judge for Probat of Wills, &c. Surveyor General or his Deputies, Sheriff, Coroner, Clerk of the Council, Clerk of the Court of Appeals, and the several Clerks of the County-Courts, Cryer of the Provincial Court, and the several Cryers of the County-Courts, to recover the same by way of Execution against the Goods, Tobacco or Chattels of the Person or Persons so refusing, and no other. Provided always, That such Person or Persons having no Tobacco, and that shall refuse to shew unto such Officer or Officers as shall Collect the same, such Goods and Chattels, it shall be lawful for such Officer or Officers to take the Body or Bodies of such Person or Persons in Execution for the same.

Provided also, That no Officer or Officers in this Act particularly mentioned, where Fees are hereby settled and limitted, shall, by virtue thereof, either have or cause to be Levyed any Execution upon the Body, Goods or Chattels of any Person or Persons whatsoever, for any Fees in this Act limited and contained, without de-
p. 247 livering or Causing to be delivered, a true and just Account of the Fees to them due by this Act, as aforesaid, under the Hand or Hands of such Officer or Officers, to the Person or Persons to whom such Fees demanded are due, as aforesaid, thirty Days at the least before Execution levyed; and in case any of the said Officer or Officers, as aforesaid, shall in any wise Act or do contrary, directly

or indirectly, to this Act, he or they so Offending, shall loose and forfeit to the Party grieved Trebble Damages sustained, and shall also forfeit the Sum of Six Thousand pounds of Tobacco, or Forty Pounds Sterling, the one Moiety thereof to his Lordship his Heirs and Successors, for the support of Government, to be recovered in his Lordship's Name, and the other Moiety to the Party or Parties that shall sue for the same, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

And be it further Enacted by the Authority, Advice and Consent aforesaid, That an Act entituled, An Act for Limitation of Officers Fees, made at a Session of Assembly held at the City of Annapolis the fifth day of December, Anno Domini Seventeen Hundred and Four, be and is hereby declared to have been and continued from the end of the last Session of Assembly, to the End of this present Session of Assembly, in as full force, to all Intents and Purposes whatsoever, as if the same had been Revived last Sessions to Continue to the End of this present Session of Assembly.

And it is hereby further declared, That it shall not be lawful for any of the Several Officers Mentioned in this Act, to Charge or Receive from any Person any other Fees whatsoever, for Services to be done by them, as such, but such as are allowed and limited by this present Act, or some other Act now in Force, under pain of undergoing the Penalties provided by this Act.

And whereas there is at this time a considerable Number of Land Patents Lying in the Land Office, that have been made out some time since, and has lain therein only for want of fixing the Seals to them,

Be it Enacted by the Authority aforesaid, by and with the Advice and consent aforesaid, That for the Recording all such Patents as remain now in the Office, and not Sealed, the Secretary shall have the same Fees as were allowed by the former Act of Assembly, For Limitation of Officer's Fees, any thing in this Act to the Contrary Notwithstanding

And it is hereby Provided, That if any Fees for any matter or thing hereafter to be done, belonging to the Officer aforesaid, by the Governour and Council so allowed and adjudged, and not in this Act mentioned, limitted, allowed and adjudged, it shall be lawful for such Officer to have such Fee or Fees as the said Governour and Council, for the time being, shall adjudge and allow of, and no more, under the Penalty aforesaid, to be recovered as aforesaid. This Act to Continue Three Years, and to the end of the next Session of Assembly that shall happen after the Arrival of the Right Honourable the Lord Proprietor within this Province, which shall first happen.

Session Laws 1719 Chap. VII [Session Laws printed by Bradford for Evan Jones, 1719, p. 247]

An Act Empowering a Committee to lay, assess and Apportion the Publick Levy for this Present Year Seventeen Hundred and Nineteen.

Whereas this Present General Assembly, have. for the Defraying the Publick Charge of this Province to the third Day of June Instant, raised a certain Sum of Tobacco and Money, amounting to the Sum of Three Hundred Thousand Four Hundred and Twenty Seven Pounds of Tobacco, and Eighty Pounds and Nine Pence current Money, as by the Journal of the Committee of Accounts p. 248 appears. But by reason more publick Charges may arise and grow due before the usual and accustomed time of Payment, which is the tenth Day of November yearly, at which time again to call and convene the whole Assembly for that Occasion, only Considering the great Number of them, and the Remoteness of their Habitations from the Place appointed, would be very Chargeable and Troublesome to the whole Province in general; For Prevention whereof. Be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Honourable Coll.

Samuel Young,
Coll. Thomas Eddison,
Philemon Lloyd Esq;
Richard Tilghman, Esq; of his Lordship's Honourable Upper-House of Assembly,
Col. Henry Peregrine Jowles,
Coll. Nathaniel Hynson,
Capt. Daniel Mariartee;
Coll. John Mackall,
Mr. John Parry,
The Honourable Robert Ungle, Esq;
Coll, James Maxwell.
Capt. John Jones,
Coll. Roger Woolford.
Capt. James Frisby,
Mr. Robert Tyler,
Capt. Charles Wright, of the Honourable, the Lower House of Assembly,

or the Major part of them, be and appear at the City of Annapolis the first Tuesday in October, next, then and there to lay and Assess the said Publick Levy already raised, and also to allow levy and Assess what further Charge may accrue, which to them shall justly appear to be due from the Publick, not exceeding Two Hundred Thousand Pounds of Tobacco, and One Hundred and Ten Pounds Sterling, and One Thousand Pounds Currant Money more than what is already raised; and likewise, to apportion, order and pay out of the Publick Treasury of this Province the Sum of Eighty Pounds and Nine Pence Current Money of this Province, to the Several Persons to whom the same shall be due, as by the Journal of the Committee of Accounts appears, and a fair Journal of all their Proceedings to be delivered to the Clerk of the Assembly, for Satisfaction of all Persons therewith concerned, by the tenth Day of November next; and if it shall happen that his Excellency shall please to Convene an Assembly before the said first Tuesday in October next aforesaid, then his present Act, and every Clause therein contained, shall be Void and of no force.

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An Act reviving and continuing the Act entituled, An Act ascertaining the Gauge and Tare of Tobacco-Hogsheads, &c. from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty One.

1720 April Chap. IV [Wm Parks compilation, 1727, p. 215; proceedings this Session printed in Vol. 33 of Archives; no Acts given; revives 1717, ch. 7]

Forasmuch as an Act made at a Sessions of Assembly, begun and held at the City of Annapolis, in Ann-arundel County, the Seventeenth Day of July, in the first Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltemore, &c. Annoq; Domini One Thousand Seven Hundred and Sixteen, entituled, An Act ascertaining the Gauge and Tare of Tobacco-Hogsheads, and to prevent cropping, cutting and defacing Tobacco, taken on Board Ships, or other Vessels, upon Frieght, and for laying an Imposition on Tobacco per the Hogshead, for the Support of Government, and for the Encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation Fines and Quit-Rents, for the Term therein proposed, and for taking off the Three Pence per Hogshead, formerly raised for the publick Charge, expires the Twenty Ninth Day of September next; and for preventing any Inconveniency that might happen either to his Lordship, or the Inhabitants of this Province, if the aforementioned Act should expire before a further Provision could be made for its Continuance; it is therefore prayed it may be Enacted,

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That the abovementioned Act, entituled, An Act for ascertaining the Gauge and Tare of Tobacco-Hogsheads, &c. is hereby revived and continued, to be and remain in full Force from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty One.

An Act for reviving and continuing an Act of Assembly of this Province, entituled, An Act for Regulating of Ordinaries, from the Twenty Ninth Day of September next, until the Twenty Ninth of September, which shall be in the Year of our Lord, One Thousand Seven Hundred and Twenty One.

1720 April Chap. XIV [Wm Parks compilation, 1727, p. 216; revives 1717, ch. 2]

Forasmuch as an Act made at a Sessions of Assembly begun and held at the City of Annapolis, in Anne-Arundel County, the Twenty Eighth Day of May, Anno Domini, One Thousand Seven Hun-

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dred and Seventeen, and in the second Year of his Lordship's Dominion, &c. Entituled, An Act for Regulating of Ordinaries, expires the Twenty Ninth Day of September next; and to prevent any Inconveniency that might happen if the afore-mentioned Act shall expire before a further Provision could be made for its Continuance, it is therefore prayed it may be Enacted.

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the abovementioned Act, Entituled, An Act for Regulating of Ordinaries, be and is hereby revived and continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty One.

1720 October Chap. XV [Wm Parks compilation, 1727, p. 217; continued by 1721, ch. 1; 1723, ch. 2, and 1726, ch. 3; ch. XXIV, XXV, XXVI of Acts this Session printed in Vol. 34 of Archives, beginning at p. 115]

An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned.

Whereas His Lordship the Right Honourable the Lord Proprietor, out of his great Goodness, has been pleased to constitute and appoint His Honour Charles Calvert, Esq; His Lieutenant Governour, in and over this his Province of Maryland, to whom we (His Lordship's good People) yield all due Obedience, as by his Commission we are obliged:

And the better to demonstrate our most humble Gratitude to his Lordship's pious Inclinations, and to shew the good Respects we have for and towards the said Charles Calvert, Esq^{r} our present Governour, and the great Hopes and Expectation we have of his Honour's good Government over us, we most humbly pray that it p. 218 may be Enacted,

And be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Imposition of Three Pence Sterling per Hogshead, over and above the Duties already imposed on the Export of Tobacco, upon all Tobacco that shall be hereafter exported out of this Province, by Land or by Water, and Three Pence Sterling upon every Four Hundred Pounds of Tobacco, be it in Chest or Case, be paid by the Master of every Ship or Vessel, or other Person trading into or living in this Province, in Sterling Money of Great-Britain, or Bills of Exchange, at the Election and Choice of the said Master or others, to be collected by the Naval Officer of the Port or District where such Ship or Vessel shall enter, to be applyed to the uses and in the Manner following, (that is to say) Three Half Pence of the said Three Pence per Hogshead so to be

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collected as aforesaid, be applyed towards the Encouragement of one publick School in every County within this Province, (that is to say) one equal Share thereof towards the Support of each School, and the remaining Three Half Pence, so to be collected as aforesaid, be paid by the Naval Officers aforesaid, to his Honour Charles Calvert, Esq^r Lieutenant Governour in and over this Province, for his Use and better Maintenance.

And be it enacted and declared, by the Authority aforesaid, That if any Tobacco shou'd, by any casual Means be lost, after the Imposition be paid, that then, and in all such Cases, the Owner and Freighter of all such Tobaccos, shall have free Liberty to freight and ship off the like Quantity without paying the additional Three Pence.

This Act to endure till the Twenty Ninth Day of September, which shall be in the Year of our Lord, One Thousand Seven Hundred and Twenty One, and no longer.

An Act for reviving of an Act Entituled, An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mention'd.

1721
Chap. I
[Wm Parks compilation, 1727, p. 220; continues 1720, ch. 15 ch. IV, IX, ; XIV of Acts this Session printed in Vol 34 of Archives, beginning at p. 267]

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act made at a Sessions of Assembly begun and held at the City of Annapolis the Eleventh Day of October last, entituled, An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned; be and is hereby revived and continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September that shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Three.

An Act for reviving and continuing an Act of Assembly, entituled, An Act for relieving the Inhabitants of this Province, from some Aggrievances in the Prosecutions of Suits at Law.

1721
Chap. II
[Wm Parks compilation, 1727, p. 220; continues 1714, ch. 4]

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mention'd Act entituled, An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecutions of Suits at Law, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Second Day of June, Anno Dom' One Thousand Seven Hundred and Fourteen; be and is hereby revived and continued in full Force, from and after

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the End of this present Sessions of Assembly, until the Twenty Ninth Day of September that shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Three.

1721 Chap. III [Wm Parks compilation, 1727. p. 221; continues 1717, ch. 7]

An Act reviving and continuing the Act for ascertaining the Gauge and Tare of Tobacco-Hogsheads, &c.

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mention'd Act, entituled, An Act for ascertaining the Gauge and Tare of Tobacco-Hogsheads, and to prevent cropping, cutting and defacing Tobacco taken on Board Ships or Vessels upon Freight, and for laying an Imposition on Tobacco per Hogshead, for the Support of Government, and for the encouraging Settlements in this Province, by ascertaining the Manner of paying His Lordship's Alienation-Fines and Quit-Rents, for the Term therein proposed; and for taking off the Three Pence per Hogshead formerly raised for the Publick Charge, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Eighth Day of May, Anno Dom' One Thousand Seven Hundred and Seventeen; be and is hereby revived and continued to be remained in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Three.

1721 Chap. XI [Wm Parks compilation, 1727. p. 225; continues 1717, ch. 1]

An Act for reviving and continuing an Act, Entituled, An Act for regulating of Ordinaries.

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above mentioned Act, Entituled, An Act for the regulating of Ordinaries, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Eighth Day of May, Anno Dom' One Thousand Seven Hundred and Seventeen; is hereby revived and continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall happen in the Year One Thousand Seven Hundred and Twenty Three.

1721 Chap. XII [Wm Parks compilation, 1727, p. 226]

An Act to impower his Honour the Governour, (for the Time being) to appoint any Person or Persons whatsoever, to Re-survey the Indians Lands, and ascertain the Bounds thereof.

Whereas Complaint has been made by the Choptank and Nanticoake Indians, to this general Assembly, of some Incroachments

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made upon the Indians Lands; For Prevention whereof, it is prayed that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour and the Upper and Lower Houses of Assembly and the Authority of the same, That it shall and may be lawful for the Governour, (for the Time being) to appoint Commissioners to lay and ascertain the Bounds of the Indians Lands; and the said Commissioners are impowered and obliged by this Act to give Notice Forty Days before they go upon the said Lands, to ascertain the Bounds aforesaid, unto all and every Person and Persons who shall have any adjacent Lands to those of the Indians; by setting up Notes at the most publick Places of the County where the said Lands lieth, for the Space of Forty Days before such Determination: And that such Commissioners as shall be so appointed, shall be enabled to do all Things necessary for the doing those Indians Justice against the Trespassers; and shall have full Power to command Obedience from all Sheriffs and other Persons whatsoever, that may be necessary for the Determining the said Difference; and all Officers and other Persons therewith concerned shall have the same Allowance, Fees and Perquisits that are allowed them by Law for other such like Services; and that the Commission so granted, shall continue in Force for Three Years and no longer; but that the Proceedings and Determinations thereon, remain perpetual.

A further Supplementary Act to the Act for killing Wolves, Crows and Squirrils.

1722
Chap. I
[Wm Parks compilation, 1727, p. 226; supplements 1713, ch. 13; ch. IV, V, VI, VIII, X, XII, XVI of Acts of this Session are printed in Vol. 34 of Archives, beginning at p. 473]

Whereas it is represented to this present General Assembly, That there is no sufficient Provision made in an Act of Assembly of this Province, entituled, An Act for killing Wolves, Crows and Squirrils; nor in the Supplementary Act thereto, for preventing the Inhabitants of this Province being imposed upon by the bringing of Wolves Heads out of the neighbouring Colonies for Allowances in this, according to the aforesaid Act, nor for preventing the purchasing from Indians old dryed Heads or Scalps that have been killed in remote Parts, we know not where: For want of which, the Inhabitants of this Province, but more especially the Inhabitants of those Counties bordering next unto our neighbouring Colonies have (for sundry Years past) lain under a very great Burthen, and vast Charge, occasioned by the great Numbers of Wolves Heads that have been brought from those Foreign Parts for Allowances in those Counties, contrary to the true Intent and Design of the aforesaid Acts: For Remedy whereof for the Future,

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly of this Province, and

Session Laws p. 227 the Authority of the same, That from and after the last Day of November next, it shall not be lawful for any Justice or Justices of the Peace within any of the several Counties within this Province, to whom any Wolves Heads shall be brought, and Application made by any Person or Persons whatsoever, for a Certificate thereof, to intitle him or them to the Allowance according to the aforesaid Act, in the County Levy, unless he or they do first declare upon their corporal Oath, to be administred by such Justice or Justices so applied to, or Affirmation by the People called Quakers, that such Wolf or Wolves whereof those are the Heads, were actually killed in that County where they pray for such Allowances. And further, that no Certificate (in order to be allowed in any the several Counties within this Province) shall be given by any of the Justices aforesaid, for any Wolves Head or Heads, that shall be brought before them by any Indian, or that has been bought of any Indian by any Person whatsoever, unless such Wolf's Head or Heads are brought before such Justice or Justices whole and entire, and that they appear to such Justice to be green and fresh kill'd; any thing in the aforementioned Acts, or any other Statute, Law, or Custom to the contrary, notwithstanding.

1722 Chap. III [Wm Parks compilation, 1727, p. 227]

An Act for uniting Part of St. Paul's Parish, in Baltemore County, to Westminster Parish in Anne-Arundel County.

Whereas it is represented to this present General Assembly, by the Vestry-Men, Church-Wardens and other Parishioners of Westminster Parish aforesaid, That they have for many Years past been destitute of a Minister to reside in the said Parish, so as to have a constant Dependance for the Exercise of their Religion therein, which they conceived to be occasion'd by no other Cause but that the Taxables in Westminster Parish aforesaid, are of so small a Number, that the Forty per Poll will not be sufficient to maintain an Incumbent therein: And the said Vestry-Men, Church-Wardens and other Parishioners of Westminster Parish aforesaid, further set forth, That the Inhabitants on the South Side of Patapsco River live convenient, and the Majority of them by their humble Petition to this present General Assembly, are willing and desirous to be added to the aforesaid Parish of Westminster: And therefore the said Vestry-Men, Church-Wardens, and other the Parishioners of Westminster Parish aforesaid, humbly pray'd, That the South Side p. 228 of Patapsco River aforesaid, might be united to and made Parcel of the said Westminster Parish. And whereas the Rev. M^r^ William Tibbs, the present Incumbent of St. Paul's Parish aforesaid, has had due Notice hereof, and makes no Objections against the passing an Act as above prayed; And likewise it appears to this present General Assembly, that the Residue of St. Paul's Parish aforesaid, will be sufficient to maintain an Incumbent:

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Be it therefore Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the first Day of December, next ensuing after the End of this present General Assembly, the said South Side of Patapsco River in Baltemore County, from the Mouth thereof to the Lower Wading Place over the Falls at the Head thereof, and from thence with a streight Line to the Girdle Pines dividing Anne-Arundel and Baltemore Counties, and with that Dividing Line to the Bay of Cheseapeak; then, with the Bay, to the Mouth of Patapsco River; shall be divided and taken from the said Parish called St. Paul's in Baltemore County aforesaid, and be added and united unto Westminster Parish, in Anne-Arundel County aforesaid; and shall, from and after the Time aforesaid, by Virtue of this Act, be deem'd, adjudg'd, reputed and taken as Part and Parcel of the said Westminster Parish, and not as Part or Parcel of St. Paul's Parish in Baltemore County aforesaid; and that the Inhabitants thereof shall have and enjoy all Benefits and Privileges equal with any other the Inhabitants of the said Parish, and deem'd and taken in all Respects as Parishioners of Westminster Parish aforesaid: Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

An Act for the better Relief of poor Debtors.

1722
Chap. XIII
[Wm Parks compilation, 1727, p. 234; continued by 1725, ch. 4, 1728, ch. 6, 1732, ch. 20, 1736, ch. 3; expired in 1740, but was revived by 1742, ch. 6, and 1746, ch. 3, and finally expired in 1750]

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every Inhabitant of this Province, who after the End of this Sessions of Assembly, shall have any Judgment or Decree in any Court of Law or Equity, or before any single Justice, against any other Inhabitant, and will sue out Execution thereon, it shall be lawful for the Debtor (not having nor being able to procure the Specie recovered) to pay and discharge himself from such Execution by the several Things following, being of the Growth or Production of this Province; That is to Say, Beef in well-seasoned Cask tared, and the Tare on the Head set merchantable and well saved, at Three Half-pence per Pound; Pork, in well-seasoned Barrels, or other Casks, tared, and the Tare on the Head, set merchantable and well saved; at Two Pence per Pound; Bacon at Three Pence Half-penny per Pound; dryed Beef at Three Pence per Pound; Wheat at Three Shillings and Six Pence per Bushel; Oats at Twenty Pence per Bushel; Barley at Two Shillings per Bushel; Indian Corn at Twenty Pence per Bushel; Pease at Three Shillings and Six Pence per Bushel; Beans at Three Shillings per Bushel; and the Prices of the aforesaid Commodities shall be rated in Tobacco at the Rate of One Penny per Pound in current Money, as they are before rated, and delivered at the Creditor's Dwelling

Session Laws House, the Debtor being a Resident of the same County; and where the Creditor resides in another County, then the Commodities aforesaid, to be delivered at the Sheriff's House, or where he shall direct in his County, not being more Inconvenient to the Debtor than the Sheriff's House; and that upon the Creditor's refusing to take the said several Commodities at the Prices aforesaid; then it shall and may be lawful to and for the Sheriff in whose Custody the Debtor is, and such Sheriff is by this Act required to receive and take of the said Debtor (his Prisoner) the several Commodities aforesaid, or so many of them being of the Growth of this Province as the said Debtor (his Prisoner) shall offer to him, in the full Value of the Debt and Costs, and shall forthwith set at large and discharge the said Debtor from his Imprisonment; and such Creditor or Creditors shall have no other Action against such Sheriff but for the Commodities so as aforesaid received, paying to the Sheriff his Fees for taking the said Commodities.

Provided, that this Act nor any Thing therein contained, shall be adjudged to extend to the Payment of any Bills of Exchange, that have been, or shall be drawn on any Person not residing within this Province, and that shall be protested, to whomsoever the same be payable, nor to any Sum of Money or Bills of Exchange, really and bona fide borrowed; nor to the Forty per Pole, the Publick or County Levy: But in all such Cases, they shall be as they were before the making of this Act; any Thing in this Act to the contrary, notwithstanding.

Provided, that no Debtor shall be entituled to the Benefit of this p. 235 Act, that shall not swear, or if a Quaker take the Solemn Affirmation prescribed by Law, before one Provincial or County Justice, that he or she hath not, nor can reasonably procure the Specie due to the Creditor or any Part thereof, more than he or she is ready to pay.

And be it further Enacted, that where any Person shall be Executed for any Officers or Attorneys Fees, in Case such Person shall make Oath, or if a Quaker makes his Solemn Affirmation according to Law, that he hath not, nor can reasonably procure the Species due to such Officer, or any Part thereof, more than he is ready to pay, nor hath sufficient thereof to satisfie such Officers Fees at any Time, from the First Day of October then last past, except what has been taken from him for other Debts due by Execution; it shall and may be lawful for such Person to Pay and Discharge such Fees in the several Commodities aforesaid, at the Rates and in the Manner aforesaid.

Provided, such Debtor shall cause such Commodities to be delivered at such Officer's Dwelling-House, if in the County where such Creditor and Debtor both reside, or such other convenient Place within the same County where the Creditor, or (on his refusal)

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where the Sheriff shall direct, not being more inconvenient to the Debtor than the Sheriff's House; or if the Creditor and Debtor both live out of the same County, then such Tender and Payment to be made at the House of the Sheriff, or where the Sheriff shall appoint in the County, being equally convenient to the Debtor with the Sheriff's House.

Provided also, that any Person taking a false Oath or Test in any the Cases aforesaid, shall suffer as Persons convict of corrupt and wilful Perjury. This Act to endure for Three Years, and to the End of the next Sessions of Assembly after the Three Years.

An Act for continuing all Causes in the High Court of Appeals, from the Court that was appointed to be held in July, Seventeen Hundred and Twenty Two, for the Time therein mentioned.

1722 Chap. VII [Appendix to Session Laws of 1727, printed by Wm Parks p. 30]

Whereas by the Act of Assembly of this Province, for Limiting the Continuance of Actions in the several Courts within this Province, and ascertaining the Manner of taking the Evidence of Seafaring Men, and for granting Appeals from the Chancery-Court to the Governour and Council, no Cause is suffered to continue therein longer than Four Courts from the Court of Appearance.

And whereas the Prolixity of some Causes in the Court of Appeals next preceeding July Court aforesaid, prevented the same Court from finishing what Business then depended, which was thereupon continued to July Court last, which was the last Court, that one or more of those Causes could be continued, without transgressing the aforesaid Act. And forasmuch as a sufficient Number of the Members of that Court did not then meet to proceed to Business, the Causes then depending could not be heard, nor regularly continued according to the strict Rules of Law, so that the Parties may be in Danger of suffering, without their Default: For Prevention whereof,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly of this Province, and the Authority of the same, That all Actions that were depending in the High Court of Appeals, 'till July last, be and stand in all Circumstances, and to all Intents and Purposes, fully continued to the End of the second Court of Appeals that shall sit to do Business after this present General Assembly; any Discontinuance or Want of Continuance, or other Defect therein, or any Thing in the said Act for Limiting the Continuance of Actions, in any wise notwithstanding.

An Act for the Continuance of Process in Baltemore County Court.

1722 Chap. XI [See note to ch. VII]

Whereas the Business depending in Baltemore County, in August last, could not be determined, and that the Justices of that County

Session Laws p. 31 adjourned their Court to Tuesday the 30th Day of October Instant, in order to finish the same; but for that a Member of the Lower House, who is general concerned in the Causes there, is obliged to attend his Duty in the Assembly; and that his Clients and himself would be greatly prejudic'd by his involuntary Absence, should the Causes (several of which cannot be continued, as the Law now stands, 'till November Court,) be try'd; or those he is concern'd for, be condemn'd unheard: For Prevention whereof,

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Suits, Pleas and Process, Civil and Criminal, that were not determin'd and ended in August Court last past, in Baltemore County-court, shall be, and are by Virtue of this Act, continued from August Court, to November Court next ensuing; any Thing in the Act to limit the Continuance of Actions, or other Law, Usage, or Custom, or Defect of Sitting and Proceeding according to the Adjournment aforesaid, notwithstanding.

1722 Chap. XIV [See note to ch VII; supplements 1716, ch. 1] p. 31

A Supplementary Act to the Act for repairing the Damages already sustained in the Records of the Land, Secretaries, Commissaries and County-Court Offices; and for Security of the same Records for the future.

For the better Executing of the said recited Act, Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Thomas Bordley, and Daniel Dulany, Esqrs be added to the Commissioners already appointed by the said Act of Assembly, to view and examine the State of the Publick Records therein mentioned. And that the said former Commissioners (except Mr Joseph Hill, who is here by exempted from his Attendance thereon, thro' his bad State of Health) and the said Thomas Bordley, and Daniel Dulany, or any Three of them, shall be and are impowered and required to execute the several Powers and Authorities contained in the said Act.

And be it further Enacted, That the said Commissioners, or any of them that shall neglect or refuse to discharge the Trust in them reposed, except in case of Sickness or some very pressing Occasion, to be adjudged by the major Part of the Commissioners then present, shall forfeit Five Hundred Pounds of Tobacco to the Use of Free Schools in the several Counties: And that every one of the said Commissioners shall be allowed Eighty Pounds of Tobacco, for every Days Attendance, in putting this or the said recited Act in Execution, in the Publick Levy.

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And be it further Enacted, That the several Officers shall be obliged to give Security, in the same Sums, and same Manner, as prescribed by the said recited Act, for such Books as the said Commissioners, or any Three of them, shall adjudge to be now in good Repair; and that there be a Clause in the Condition of every Bond, to make the Officers answerable for every Book that shall be put into good Repair, by the Directions of the Commissioners, and delivered into the proper Office to which it belongs.

And be it further Enacted, That the said Commissioners, or any Three of them, shall and may, by Virtue of this Act, agree with any Person that will undertake to Transcribe and Repair the Publick Records, for Money or Tobacco, at their Discretion; any Thing in the said recited Act, to the contrary, notwithstanding.

An Act for Limitation of Trespass and Ejectment.

1722 Chap. XIX [Wm Parks compilation, 1727, p. 237; the Proprietary dissented to this Act]

Whereas it is doubted whether the Actions of Trespass and Ejectment are intended to be limited by Statute of the Twenty First of James the First, entituled, An Act for Limitation of Actions, and for avoiding of Suits at Law. And for that these Sort of Actions are mostly used, instead of the real Actions therein mention'd,

Be it therefore Enacted and declared, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the Same, That all Actions of Tresspass and Ejectment, for the recovering the Possession of any Term, in any Lands or Tenements, be and are hereby declared to be within the Intent and under the like Limitation, Rules and Provisoes, as by the said Statute is directed in the other real Actions therein mention'd. Provided always, That such Possession shall be only by Seizin and actual Occupation; and that this Act be only construed to extend to Matters of mere Title, and not to any Differences about the Boundaries of any Lands in Dispute.

An Act for reviving an Act entituled, An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned.

1723 Chap. I [Wm Parks compilation, 1727, p. 237; revives 1720, ch. I; ch. VIII, XI, XV, XVI, XVII, XVIII, XIX of Acts this Session printed in Vol. 34 of Archives at p. 728]

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act made at a Session of Assembly begun and held at the City of Annapolis the Eleventh Day of October, Anno Domini Seventeen Hundred and Twenty, entituled, An Act for raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned, be and is hereby revived and continued to be and remain in full Force from the Twenty Ninth Day of September Instant, until the Twenty

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Ninth Day of September that shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Six.

1723 Chap. II [Wm Parks compilation, 1727, p. 238; revives 1717, ch. 7]

An Act reviving and continuing the Act for ascertaining the Gauge and Tare of Tobacco-Hogsheads, &c.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mentioned Act, entituled, An Act ascertaining the Gauge and Tare of Tobacco-Hogsheads, and to prevent cropping, cutting and defacing Tobacco taken on Board Ships or Vessels upon Freight, and for laying Impositions on Tobacco per the Hogshead, for the Support of Government, and for the encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation-Fines and-Quit-Rents for the Term therein proposed; and for taking off the Three Pence per Hogshead formerly raised for the Publick Charge, made at a Sessions of Assembly, begun and held at the City of Annapolis the Twenty Eighth Day of May, Anno Domini One thousand Seven Hundred and Seventeen, be and is hereby revived and continued to be and remain in full Force from the Twenty Ninth Day of September Instant, until the Twenty Ninth Day of September which shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Six.

1723 Chap III [Wm Parks compilation, 1727, p. 238; revives 1717, ch. 1]

An Act reviving and continuing an Act entituled, An Act for regulating of Ordinaries.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mentioned Act, entituled, An Act for regulating of Ordinaries, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Eighth Day of May, Anno Domini One Thousand Seven Hundred and Seventeen, is hereby revived and continued to be and remain in full Force from the Twenty Ninth Day of September Instant, until the Twenty Ninth Day of September which shall happen in the Year of our Lord One Thousand Seven Hundred and Twenty Six.

1723 Chap. IV [Wm Parks compilation, 1727, p. 238; revives 1714, ch. 4]

An Act reviving and continuing an Act of Assembly, entituled, An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecutions of Suits at Law.

Be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That the above mentioned Act, entituled, An Act for relieving the Inhabitants of this Province, from some Aggrievances in the Prosecution of Suits at Law, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Second Day of June, Anno Domini One Thousand Seven Hundred and Fourteen, be and is hereby revived and continued in full Force from and after the End of this present Sessions of Assembly, for and during the Term of Three Years, and to the End of the next Sessions of Assembly that shall happen after the said Three Years.

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An Act for repealing the Several Acts of Assembly now in Force in this Province, that give Allowance for killing Wolves, Crows and Squirrils; so far as they relate to the killing Crows and Squirrils only.

1723 Chap. V [Wm Parks compilation, 1727, p. 239; repealed by 1728, ch. 7]

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That such Part of an Act of Assembly made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Seventh Day of October Seventeen Hundred and Thirteen, entituled, An Act for killing Wolves, Crows and Squirrils: Also such Part of another Act of Assembly, made at a Sessions of Assembly, begun and held at the City of Annapolis the Seventeenth Day of July Seventeen Hundred and Sixteen, entituled, A Supplementary Act to the Act for killing Wolves, Crows and Squirrils, that in any Manner relate to the making Allowances for the killing Crows and Squirrils only, be and is hereby declared to be repealed and made void: Any Thing in the said former Acts contained to the contrary thereof, notwithstanding.

Provided always, That all and every Person or Persons, who now have killed, or at any Time before the Tenth Day of October in this present Year Seventeen Hundred and Twenty Three, shall kill any Crows or Squirrils, and upon producing the Heads or Scalps thereof to any Magistrate, in Order to obtain a Certificate thereof, will (before such Magistrate,) declare upon Oath, (or Affirmation, if a Quaker,) or otherwise, make appear that such Crows or Squirrils were actually killed in the County wherein they pray Allowance, at any Time before the said Tenth Day of October, then it shall and may be lawful for such Magistrate, and he is hereby enjoyned to give a Certificate thereof accordingly, upon which the Person or Persons obtaining such Certificate shall have Allowance for the same, in the same Manner as if this Act had never been made.

An Act for the Advancement of Justice.

1723 Chap. XII [Wm Parks compilation, 1727, p. 242]

Whereas, notwithstanding the several Laws heretofore made for the Advancement of Justice, Amendment of the Law, and aiding and supplying several Defects in Judicial Proceedings, great Delay, Session Laws [Continued by 1727, ch. 5, 1731, ch. 1, 1735, ch. 18; supplemented by 1730, ch. 10, and explained by 1732, ch. 6; expired in 1740] p. 243

Trouble and Expences hath been and still is occasioned by Demurrers, arresting and reversing of Judgments, and staying Executions, by Writs of Error and Appeal, there being yet no sufficient Provision made for the aiding such Omissions, Errors and Imperfections as are usually taken Advantage of by special Demurrers; and also for the aiding such Defects in the Entries of Clerks as are frequently taken Advantage of, on the prosecuting Writs of Error or Appeals, as well as divers other Advantages of other Defects, or pretended Defects or Errors, which only serve to prevent or divert the Examination of, and giving Judgment on the very Right of the Cause: For Remedy whereof,

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly and the Authority of the same, That in all Actions to be commenc'd after the End of this Session of Assembly, the Justices of the several Courts of Law within this Province, shall proceed and give Judgment according as the very Right of the Cause, and Matter in Law shall appear to them, without regarding any such Omission, Defects, Advantages or Pretences as aforesaid, so as sufficient Matter shall appear in the Proceedings upon which the Court may proceed to give Judgment according to the very Right of the Cause, and Matter in Law, and that it shall appear that the Action shall be commenced after the Cause thereof shall accrue: And that no such Judgment shall be reversed or set aside, or Execution thereon delayed, for or by reason of any such Imperfection, Omission or Defect; any Law, Usage or Custom to the contrary notwithstanding.

Provided always, and be it Enacted, by the Authority aforesaid, That nothing in this Act shall extend or be construed to extend to any Writ, Declaration, or Suit of Appeal, of Felony or Murder, or to any Indictment or Presentment of Treason, Felony or Murder, or other Matter, or to any Process upon any of them, or to any Writ, Bill, Action or Information, upon any penal Statute.

And be it Enacted, by the Authority aforesaid, That in all Actions hereafter to be commenc'd in the Provincial-Court, for the Recovery of any certain Sum of Money, or Quantity of Tobacco, within the Jurisdiction of that Court, where the Plaintiff is desirous of a speedy Tryal, That if the Plaintiff shall send a Copy of the Declaration in the Case, with the Writ, and cause the same to be served on or delivered to the Defendant, or left at his or her Place of Abode Twenty Days at the least before the Appearance-Court, it shall and may be lawful for the Justices of the said Court, and they are by this Act required to proceed to Tryal, the same Court; and if the Defendant shall refuse or neglect to answer or plead, to render Judgment for the Plaintiff, with Cost of Suit; unless sufficient Cause be shewn by the Defendant why there should be an Imparlance.

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And whereas several Judgments have been rendered in the County-Courts according to the strict Rules of Law, and against Equity, for small Sums, That the Chancery Court could not have any Cognizance of, to the great Loss and Prejudice of several of the poorer Sort of People, and Ruin of some; For Remedy whereof,

Be it Enacted, by the Authority aforesaid, That in all Actions in the County-Courts, where the Matter or Thing in Dispute is not of sufficient Value to remove the same into Chancery, the Justices of the County-Court where such Action shall be brought, may and shall (at the Prayer of either Plaintiff or Defendant, either before p. 244 or after a Judgment, or Verdict of a Jury at Common-Law) may hear and determine the same according to the Rules of Equity and good Conscience, as fully and amply as the Chancellor or Keeper of the Great Seal might do in any Case, within the Jurisdiction of the Chancery Court; any Law, Usage, Verdict of a Jury, or Custom to the contrary notwithstanding.

And be it Enacted, That where any Person or Persons is or are Bound in any Bond or other Obligation, for the Payment of Money, Tobacco, or other Goods, or indorse any Bill of Exchange that shall be protested, and the Money, Tobacco, or other Goods, or such Part thereof as shall be unpaid by the principal Debtor, shall be paid or tendered by the Surety or Indorser, that the Obligee or Indorsee, shall be obliged to assign such Bond, Obligation or protested Bill to the Surety, paying or tendering the Money, Tobacco, or other Goods, due as aforesaid; and that the Assignee shall and may by Vertue of such Assignment, and this Act, have an Action in his or her own Name, against the principal Debtor, any Law, Usage or Custom to the contrary notwithstanding.

And be it Enacted, That where any Person shall recover Judgment against the principal Debtor and Surety, and such Judgment shall be satisfied by the Sureties, that the Creditor shall be obliged to assign such Judgment to the Surety, satisfying the same, and that the Assignee shall be entitled unto, and have the same Execution against the principal Debtor by Vertue of such Assignment and this Act, as the Creditor might or ought to have had; and that where Judgment shall be rendered against several Sureties, and one of them satisfies the Whole, the Plaintiff or Creditor shall be obliged to assign such Judgment to the Surety satisfying the same, and that the Assignee shall have and be entitled to an Execution against the other Sureties, against whom Judgment hath been obtained by the principal Creditor for a proportionable Part of the Debt or Damage, paid by such Assignee; any Law, Usage or Custom to the contrary, notwithstanding.

Provided always, That no Defendant or Defendants shall be precluded or debarred of his or their Remedy against the Plaintiff, by audita querela, or other equitable Course or Proceeding whatsoever; any Thing in this Act to the contrary, notwithstanding.

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And be it Enacted, That all bonds or other Obligations under Hand and Seal, shall be assignable from one Person to another; and that the Assignee shall, and may, by Virtue of such Assignment, maintain an Action in his or her own Name, against the Obligee or Obligees; any Law, Usage or Custom to the contrary, notwithstanding.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Attorney being concerned for either Plaintiff or Defendant in any Cause of Equity, to be heard before the County-Courts aforesaid, shall have and receive more than One Hundred Pounds of Tobacco for his Fee in any such Cause.

This Act to continue for Three Years, and to the End of the next Session of Assembly that shall happen after the End of the Three Years.

1723 Chap. XXI [Wm Parks compilation, 1727, p. 254]

An Act giving Encouragement to make Hemp within this Province.

Forasmuch as the Tobacco-Trade is reduced to very mean Circumstances, and it is generally thought that the making of Hemp will be of great Use, not only to this Province, but to the Kingdom of Great-Britain, for supplying of Naval Stores,

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Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons, living or inhabiting within this Province, shall hereafter make, either by themselves, their Servants or Slaves, upon any the Lands or Plantations within this Province, any Quantity or Quantities of Hemp, and cause the same to be cleaned and made merchantable, they shall be allowed as a Bounty for their Encouragement, the Quantity of Fifty Pounds of Tobacco for every Hundred Weight of Hemp they shall so make, as aforesaid, and pro rato for a greater or lesser Quantity; to be levied (together with the Sheriffs Salary for collecting the same) by the Justices of the several and respective County-Courts within this Province, by an equal Assessment upon the taxable Persons within that County where such Hemp shall be made, as aforesaid; and collected by the Sheriff of the County, as a Part of the County-Levy, and by him to be paid to whomsoever it shall become due: And every Person as aforesaid, that shall make any Quantity of Hemp clean and merchantable, and want the Allowance aforementioned, for the same, such Person or Persons are hereby directed to apply themselves to any Justice of the Peace for the County where such Hemp shall be made, every which Justice (upon Application to him to be made as aforesaid) is hereby impowered and required to appoint some Person of honest Reputation, to go with the Person applying to him, to take a just and true Account of the Weight of all such Hemp that he craves Allowance for, and return the same

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to such Justice, upon Oath; and the Party also making Oath before such Justice, that such Hemp was made within that County, and that he nor any other Person hath ever had any Allowance or Certificate for the same; such Justice shall then give such Person a Certificate of the Quantity of such Hemp, and upon such Persons producing such Certificate or Certificates to the County-Court, the Justices thereof are hereby required to make them such Allowances, as beforementioned.

This Act to continue for Three Years, and to the End of the next Sessions of Assembly which shall first happen after the said Three Years.

An Act for the Tryal of all Matters of Fact, in the Several Counties where they have arisen, or shall arise; the Continuance of Causes in the Provincial-Court, and Adjournment of that Court.

1723 Chap. XXIII [Wm Parks compilation, 1727, p. 255; continued by 1727, ch. 6, and supplemented by 1724, ch. 17; expired 1731]

Whereas the Tryal of Facts in the Neighbourhood where they arise, is the greatest Security of the Lives, Liberties, Fortunes and Estates of the Subjects, most agreeable to the British Constitution, and a very great Ease to all Persons concerned; and that the Increase of Business in the Provincial-Court renders the Decision of Causes there, without very great Delay and Expense, impracticable.

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Two Justices of the Provincial-Court, on each Side of the Bay, (such as the Governour for the Time being, shall think fit to appoint) shall be Justices of Assize, Nisi Prius, p 256
and Justices of Oyer and Terminer, and Goal-Delivery; and that the said Two Justices, or either of them, (in case of Sickness, or other Inability) shall and may, at the respective Times in this Act mentioned, together with such of the Justices of the Peace as they shall think fit to associate with them in the several Counties, not exceeding Three in any County, hear and try all Matters of Fact in all Actions, real, personal and mixt, and all Actions popular, for the Breach of any Law, that is now depending, or that shall be commenc'd in the Provincial Court, in the several Counties where the Facts have arisen or shall arise, and not elsewhere, except in any special Case where it shall appear that Justice cannot in all Probability be so equally administred to the Parties, as if the Tryal should be appointed in some other Place, as fully and amply as any Justices of Assize, and Nisi Prius in England used, or by Law ought or may try, hear and determine.

And that all Treasons, Murthers, Felonies, and other Crimes, Offences and Misdemeanours of what Nature or Quality soever, that have been or by Law might be tryed in the Provincial Court, shall be heard and tryed, and determined by the said Justices in the several

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Provided always, That nothing in this Act shall be construed to divest the County-Courts of any Jurisdiction they have, and that they may hear and determine all Matters and Things within their Cognizances as they have heretofore done: Any Thing in this Act to the contrary, notwithstanding.

And be it Enacted, That Two of the Provincial Justices to be appointed as aforesaid, on the Western Shoar, or One of them in case of the others Sickness or Inability, together with such of the Justices of the Peace as they shall think fit to associate with them, not exceeding Three, shall meet and hold their Courts, At Baltemore County Court-House, the First Tuesday in April and September Yearly. At Annapolis, for Ann Arundel County, the Mondays after the said First Tuesday. At Calvert County Court-House, the Fridays after the Second Tuesdays of the said Months. At St. Mary's County Court-House, the Wednesdays after the Third Tuesdays in the said Months. At Charles County Court House, the Mondays after the Third Tuesdays in the said Months; and at Prince George's County Court-House the Fridays following. And that Two of the Provincial Justices on the Eastern Shoar, to be appointed as aforesaid, or One of them in case the other should be Sick or incapable to attend, together with such of the Justices of the Peace as they shall think fit to associate with them, not exceeding Three, shall meet and hold their Courts. At Somerset County Court-House, the First Tuesdays of the said Months Yearly. At Dorchester County Court-House, the First Mondays after. In Talbot County, the Fridays after the Second Tuesdays. At Queen-Ann's County Court-House, the Wednesdays after the Third Tuesdays. In Kent County, the Mondays after the Third Tuesdays in the same Months; and at Cecil County Court-House the Fridays following, to hear, determine and dispatch such Business as shall be before them.

And be it Enacted, That in all Actions now depending in the Provincial Court where the General Issue or other General Plea tending p. 257 to an Issue on the Country is to be pleaded, the Issues shall be made up and compleated by the last Day of February next; and that all Declarations in Actions to be commenced in the Provincial Court shall be filed with the Clerk within Thirty Days after every Appearance-Court; and the Issue made up where the General Issue or other General Plea tending to an issue on the Country shall be pleaded, shall be made up within Thirty Days after the fileing the Declaration: But where special Pleadings are necessary, the Court (upon

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Motion) may grant such Time as shall be thought reasonable: And that the Plantiff in every Cause to be tryed before the said Justices shall give the Defendant or his Attorney Notice Ten Days at least before the Beginning of the Assizes that the Tryal is to be in, of his Intention to insist on a Tryal; and that if after such Notice given, the Cause shall be delayed until another Assizes, the Party causing such Delay shall pay all the Cost and Charge that shall be occasioned thereby.

And be it Enacted, That the several Sheriffs shall summons Forty of the most capable and substantial Free-holders within their Bailiwicks, Twenty Days before the Assizes shall begin, to serve as Grand and Petit Jurors; and that every Free-holder that shall be so summoned, and shall neglect or refuse to appear, shall incur the same Penalties and Forfeitures as Jurors summoned to the Provincial Court are liable to; and that no Person that is not incapable or disqualified by Law to serve as a Juror, shall have any Exemption, except Councellors, Clergymen, Assembly-Men, Magistrates and Constables; and that every Grand-Jury shall have an Allowance not exceeding Four Hundred Pounds of Tobacco, and every Petit-Juror Fifteen Pounds of Tobacco for every Days Attendance, besides the lawful Fees for Verdicts in civil Cases; to be assessed in the County Levy as usual.

And be it Enacted, That the Two Justices of Assize shall be allowed by the Publick, Five Thousand Pounds of Tobacco each of them, to be paid in the Counties respectively where they reside, for every Circuit, and no more; and such of the County-Justices as they shall associate with them, the same as they are allowed for sitting in the County-Courts.

And be it Enacted, That it shall and may be lawful for the said Justices to make all such Rules and Orders as may be convenient and necessary for the Furtherance of Justice and Right, and to impose reasonable Fines, Forfeitures and Penalties upon such as shall transgress them.

Provided always, That such Rules and Orders shall be agreeable to the Laws of England and this Province. And that all Sheriffs, Bailiffs and other Officers and Persons whatsoever, shall yield due Obedience to all Process, Warrants and Precepts, that shall be issued by, or returnable to the said Justices.

And be it Enacted, That the next Provincial Court shall begin the Third Tuesday of May which shall be in the Year of our Lord Seventeen Hundred and Twenty Four, and not before; and that all Actions now depending in that Court of what Nature soever, shall be and are by this Act continued until the Third Tuesday in May; and that all Writs, Process and Precepts already issued, or to be issued out of the Provincial Court, returnable to the next Court, shall be returnable to the said Third Tuesday of May; and that all

Session Laws p. 258 Sheriffs, Coroners and other Officers that have arrested or shall arrest any Person or Persons by Virtue of any Writ, Precept or Process returnable to the Second Tuesday of April next, shall be under the same Obligation to have the Party arrested at Annapolis the Third Tuesday of May, as if such Writ, Process and Precepts were then returnable; and that the Provincial Courts for the Future shall begin the Tuesday of May and October Yearly: Any Law, Usage or other Cause, Matter or Thing to the contrary notwithstanding.

And be it Enacted, by the Authority aforesaid, That that Part of an Act of Assembly, entituled, An Act causing Grand and Petit Jurors to come to the Provincial and County-Courts, and ascertaining their Allowances, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Sixth Day of April, Anno Domini Seventeen Hundred and Fifteen, which relates to Summoning Grand and Petit-Jurors to attend at the Provincial Courts, be and is hereby repealed and made void.

This Act to continue for Three Years and to the End of the next Session that shall happen after the Three Years.

1723 Chap. XXIV [Wm Parks compilation, 1727, p. 258; continues 1719, ch. 18]

An Act reviving and continuing an Act, entituled, An Act for Limitation of Officers Fees, and for Supplying Some Defects therein.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly made at a Sessions of Assembly begun and held at the City of Annapolis the Fourteenth Day of May in the Year of our Lord Seventeen Hundred and Nineteen; entituled, An Act for Limitation of Officers Fees, be and is hereby revived and declared to have been in full Force from and after the End of that Session of Assembly which was begun and held at the City of Annapolis the Ninth Day of October in the Year of our Lord Seventeen Hundred and Twenty Two, unto the End of this present Sessions of Assembly, and from thence to continue in full Force till the Twenty Fifth Day of December which shall happen in the Year of our Lord Seventeen Hundred and Twenty Four.

And whereas it is represented to this General Assembly, That several Sheriffs within this Province, having the Collection of the Publick and County Levies, and several Officers Fees on Execution, have every Time they have executed any of the People indebted for Levies and Officers Fees, charged separate Execution Fees for each separate Claim, to the great Burthen and Oppression of the People, and contrary to the Intent of the former Laws. For Prevention whereof for the Future, Be it Enacted, That it shall not be lawful for any Sheriff to exact or take from any the Inhabitants of this Province any more than One Execution Fee in any One Year for executing for Levies and Officers Fees; and that every Sheriff that shall act contrary to this Act shall incur the same Penalty as Officers were liable to for exacting more Fees than were limited and allowed them by the Act for Limitation of Officers Fees; to be recovered to the same Uses and in the same Manner as that Act prescribed.

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An Act for the Relief of Ann-Arundel County, and all Persons concern'd in the Records thereof heretofore burnt.

1723 Chap. XX [Wm Parks compilation, 1727, p. 261; revives 1705, ch. 1]

Whereas there was an Act made at a Sessions of Assembly, begun and held at the Port of Annapolis, the Fifteenth Day of May, Anno Domini Seventeen Hundred and Five, Entituled, An Act for the Relief of Ann-Arundel County, and all Persons concerned in the Records thereof lately burnt; which said recited Act has been for some Time expired; and for that by Means of Infancy, Coverture, Absence, or other Impediments or Causes of Delay, several Persons have not as yet had their Deeds and other Matters recorded again, according to the Directions of the aforesaid Act, during the Continuance thereof: Wherefore, that all Persons may have the Benefit as designed by the said Act, it is humbly prayed that it may be Enacted:

And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for the Justices of Anne-Arundel County-Court to act and proceed according to the true Intent and Meaning of the said recited Act, in all Matters and Things therein mentioned, as if Commission for that Purpose had issued to them, according to the Directions of the said Act; and that what they shall do by Virtue of the said recited Act, during the Continuance of this Act, so that the same be agreeable to the Power and Authority of the aforesaid recited Act, shall be as good and valid in Law, to all Intents and Purposes whatsoever, as if the said recited Act had always hitherto continued, and yet proceeded to continue in full Force; any Law, Usage or Custom, or the Discontinuance of the said recited Act, to the contrary thereof in any wise notwithstanding.

An Act for Securing the Rights and Inheritances of Sundry the Inhabitants within this Province, against certain Impositions, by Pretence of Suspected Deeds.

1724 Chap. XI [Wm Parks compilation, 1727, p. 263]

Whereas one William Vanhaesdonck Riddlesden, who now calls himself William Cornwallis, a Person of a matchless Character in Infamy, whilst he continued in this Province under his Transportation for Felony, by Corruption and other sinister Means, got free

Session Laws [Ch. VI, X, XIV, XVIII, XXI, XXII of Acts this Session printed in Vol. 35 of Archives, beginning at p. 186]

Access to the Lands-Records of this Province, and made large Abstracts therefrom of the Rights of vast Quantities of Land that have long continued in the peaceable and uninterupted Possession of the present Possessors; and with Intent to impose on the Right Honourable the Lord Proprietary, laid before his Lordship the Abstract of several considerable Tracts of Land granted to one Thomas Cornwallis, Esq; formerly a Person residing within this Province, (many of which Tracts have been Sold by the said Thomas Cornwallis) pretending a Right thereto by Purchase or Descent; which Abstract was Signed John Evans, Attorney, as a Person attesting the same to be true; whereas there was not any Attorney in Maryland, nor hath been (if ever) in a great many Years, of that Name; and never any that had Recourse to the Records: So that the said Abstract appears evidently to be a Forgery and Imposition.

And, forasmuch as it appears that during the Time of such his the said Riddlesden's Access, there were some Parts of the Records found cut out, and for some Defects of Assignments or in other Measne Conveyances, which probably were occasioned by the male Practice of the said Riddlesden, or such like evil-designing Persons.

And whereas the said Riddlesden has been known to personate others, and has now produced sundry pretended Deeds of Sale to several of the Clerks of the County-Courts to be recorded; and made Demands of the Possessions of sundry Persons whose Lands he pretends to have bought: And for that such Purchasing cannot be free from the Imputation of Champerty; if made by real Deeds, but that in Truth, the Deeds he pretends to hold by, are by the most discerning Persons, and of the best Credit, justly suspected to be forged: And for that it would be impracticable to detect such Forgery, if the Deeds themselves should be withdrawn from such Officers, so as to leave authentick Record thereof, without leaving the original Deeds that the Hand-Writing of the pretended Grantors may be seen: And for that it is easy for such a Person, by calling himself by the Name of another, and executing a Deed by such Name, to one of his Companions in a strange Place, to obtain such fraudulent Deed to be witnessed by Men of good Credit, who may (as they think) safely swear before a Magistrate, that they saw the Person signing, seal and deliver that Deed (tho' they may be wholly nescient whether the Person so signing signs by his own Name, or by the Name of One he so fraudulently personates,) and by that Means obtain such Probat of false Deeds, as may make an undoubted Evidence of a Title, after the original Deeds are destroyed, which in this Case the said Vanhaesdonck Riddlesden may easily do, if he has the Deeds redelivered him by the Clerks. p. 264

And whereas there is criminal Process out against him, on One or more Indictments found against him in this Province some Years

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since, for Crimes of an high Nature, to which he has never answered, but is now returned unfound on such Process, and that he fled from the Justice of this Province, when bound by Recognizance to answer the same.

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly of this Province, and the Authority of the same, That it shall and may be lawful for the several Clerks in whose Hands any such Deeds are, and they are hereby required to detain in their Hands all such Deeds, that they may be subjected to a legal Enquiry and Examination, until the said Riddlesden shall surrender himself to Justice, to undergo a fair Tryal of the Facts he stands accused of; and also give the Persons in Danger of being injured by such Deeds, an Opportunity of legally contesting with him the Validity of them; and until he shall stand to and abide the Judgment of the Courts of Judicature thereupon: And that any Clerk that shall presume to deliver any of the said Deeds to the said Riddlesden, contrary to the true Intent and Meaning of this Act, shall forfeit and be removed from his Office.

1724
Chap. XVII
[Wm Parks compilation, 1727, p. 266; supplements 1723, ch. 3, and was further continued by 1727, ch. 6; expiring in 1731]

A Supplementary Act to the Act entituled, An Act for Tryal of all Facts in the Counties where they have arisen and shall arise; the Continuance of Causes in the Provincial Court; and Adjournment of that Court.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Assize, Nisi Prius, and Goal-Delivery, shall in all criminal and civil Cases to be tryed before them, where any Person concern'd shall desire the same, allow and direct special Verdicts to be found; and in all criminal Cases where the Party accused shall desire the same, to sign and allow Bills of Exception as they are usually allowed in civil Actions; and that in all Cases where special Verdicts are found, and Bills of Exception allowed, that no Judgment shall be rendred until the next Provincial Court, to the Consideration of which Court it is to be referred: Any Law, Usage or Custom to the contrary, notwithstanding.

p. 267

And be it Enacted, That the Sheriff of every County shall summon Forty Eight of the best and most reputable Free-holders in his County, except Practising-Physicians, Chirurgeons, and other Persons exempt by the Laws heretofore made, to attend at the Assizes; and to prevent any Application to such Jurors to prepossess or influence them in giving their Verdict (it being inconsistent with the Duty of a Jury-Man to admit of or to be influenced by such Application) that the several Sheriffs, at the Time of summoning Jurors

Session Laws shall not only do the same in the most private Manner they can, but also not above Twenty Days before the Beginning of the Assizes to which they are summoned to serve.

And to the End that the Justices of Assizes, Nisi Prius, Oyer and Terminer and Goal-Delivery, may not be hindered of proceeding in the Decision of Matters not determinable elsewhere, (which the Time allowed by Law for their Session is hardly sufficient to dispatch) in hearing petty-Offences tryable in the County-Courts,

Be it Enacted, That all Felonies, Trespasses and other evil Deeds tryable in the County-Courts by the Laws now in being, shall be heard and determined by the County-Courts, and not elsewhere, except Riots and other Offences to be committed in the View of the Justices of Oyer and Terminer, or during their Sitting; and other Crimes and Misdemeanours, where it shall appear to the Justices of the Provincial-Court or Justices of Oyer and Terminer, from the Nature of the Offence or the Circumstance of the Offender, that a Tryal at the Provincial Court Bar, or before the Justices of Oyer and Terminer, shall be absolutely necessary.

Provided always, That where any Presentment shall be found by the Grand-Jury at any Court of Oyer and Terminer, for a Matter tryable by the County-Court, and that shall by the Justices of Oyer and Terminer be referred to the County-Courts for Tryal, the Party presented shall not be obliged to pay any Fees or Charges, except what shall arise on the Prosecution in the County-Court; any Law, Usage or Custom to the contrary notwithstanding.

Saving to all Parties accused, the Benefit of Writs of Removal, and Tryals in the Provincial-Court, or before the Justices of Oyer and Terminer, and Goal Delivery.

And whereas by the Act for the Advancement of Justice, it is Provided and Enacted, That in all Actions to be commenc'd in the Provincial-Court, for the Recovery of any certain Sum of Money or Tobacco, within the Jurisdiction of that Court wherein the Plaintiff should be desirous of a speedy Tryal, that if the Plaintiff should send a Copy of the Declaration in the Case, with the Writ, and cause the same to be served on, or delivered to the Defendant, or left at his or her last Place of Abode Twenty Days at the least before the Appearance-court, it should be lawful for the Justices of the said Court, and they are by that Act required to proceed to Tryal, the same Court; and if the Defendant should refuse or neglect to answer or plead, to render Judgment for the Plaintiff, with Cost of Suit; unless sufficient Cause should be shewn by the Defendant why there should be an Imparlance.

And that as Jurors are not summoned to the Provincial-court, but the Facts tryed in the several Counties where they arise, so that when the Defendant pleads a Matter of Fact tryable by a Jury, the Issue cannot be tryed at the Appearance-court:

Be it therefore Enacted and Declared, That where Copies of Declarations are served, or left according to the Directions of the said Act, and no sufficient Cause shewn for an Imparlance, and that the Defendant should plead a Matter of Fact, which is required to be done at the Appearance-court; that then, and in such Case, the Fact shall be tryed at the First Assizes that shall happen after the Appearance-court, in the County where the Fact hath arisen, or shall arise; except where it shall be found Necessary to change the Venue: Any Law, Usage or Custom to the contrary, notwithstanding.

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And be it further Enacted, That any Action now depending in the Provincial-court, may be continued, if Need be, until October Court Seventeen Hundred and Twenty Five; without being affected by the Act limiting the Continuance of Actions.

And whereas by an Act of Assembly of this Province, entituled, An Act for the Tryal of all Matters of Fact in the Counties where they arise, it is particularly declared, That the Provincial-Courts shall be held on the Third Tuesday in May and October Yearly, which being a Time that now does, and hereafter may interfere with the Sitting of Assemblies;

Be it therefore Enacted, That it shall and may be lawful for the Justices of the Provincial Court, as often as they shall have special Occasion for so doing, to adjourn the said Provincial Court from the Days aforesaid, to any other convenient Time, as to them shall seem meet: Any Act to the contrary, in any wise, notwithstanding.

This Act to continue so long as the Act for Trying Matters of Fact in several Counties where they have arisen and shall arise.

An Act for Erecting a Town at Joppa, in Baltemore County; and for Securing the Land whereon the Court-House and Prisons are built, to the Use of the said County.

1724 Chap. XVI [Wm Parks compilation, 1727, p. 270; supplemented by 1737, ch. 11]

Whereas the Inhabitants of Baltemore County, have made appear to this Assembly, That a Publick Court-House and Prison have been erected at Joppa, in the said County, at their Expence; and that the Right of the Land is in a Minor under the Age of Twenty One Years, who (altho' his Father Col. James Maxwell hath received full Satisfaction for the said Land) cannot convey the same: And for that the said Inhabitants have likewise set forth and made appear that the Business of that County is greatly delay'd and obstructed by the want of some convenient Places of Entertainment, at or near the said Court-House, the Officers thereof, and Suitors thereto being obliged to go a great Distance for necessary Accommodation, and lie under several other Inconveniencies, that the Erecting of a Town at the said Place would probably remove:

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's

Session Laws Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Land already allotted for the Building of a Court-House and Prisons, and whereon the Court-House and Prisons at Joppa aforesaid, are built, (not being less than Two Acres of Land) shall be and remain to the Use of the said County, for ever; any Law, Usage, Defect, or other thing to the contrary notwithstanding.

And be it further Enacted, That Mr Thomas Tolley, Capt John Taylor, Mr Daniel Scott, Mr Lancelot Todd, and Mr John Stokes, or any Three of them, shall be and are hereby appointed Commissioners for Baltemore County aforesaid; and are hereby authorized and impowered, as well to agree for the Buying and Purchasing Twenty Acres of Land at Joppa aforesaid, as for the Surveying and laying the same out, in the most convenient Manner that may be, at Joppa aforesaid, into Forty equal Lots, erected into a Town, and so as the Publick Buildings aforesaid be included within the Twenty Acres aforesaid; and that the same Lots shall be laid out so as not to affect the Buildings or Improvements of Col. James Maxwell, or his Son, already made at the Place aforesaid.

And be it further Enacted, That the Commissioners herein before nominated and appointed, or the major Part of them, are hereby impowered some time before the last Tuesday of April next, to meet together at the County Court-house aforesaid, or some other convenient Place near thereabouts, and shall then and there treat and agree with the Owners and Persons interested in the said Twenty Acres, for the same; and after Purchase thereof, shall cause the same to be surveyed and laid out; and after the same so surveyed and laid out, shall cause the same Twenty Acres to be marked, staked out, and divided into convenient Streets, Lanes and Allies; and the remaining Part of the said Twenty Acres of Land, as near as may be, into Forty equal Lots, marked on some Posts or Stakes towards the Streets or Lanes, with Number One, Two, Three, Four, and so on to Forty, to be divided and laid out; out of which Lots, p. 271 the Owner of the said Land shall have his first Choice for one Lot; and after such Choice, the remaining Lots may be taken up by others: And that no Person shall presume to purchase more than one Lot within the said Twenty Acres, during the first Four Months after laying out the same: And that the said Lots shall be purchased by the Inhabitants of the County aforesaid. And in case the said Inhabitants shall not take up the said Lots within the Time of Four Months after such Laying out as aforesaid, it shall then be free for any Person or Persons whatsoever, to take up the said Lot or Lots, paying the Owner proportionable for the same. And in case the Owner or Owners of the aforesaid Twenty Acres of Land shall wilfully refuse to make Sale of the same, or that through Nonage, Coverture, Non sanae Memoriae, or any other Disability or Impediment whatsoever, be or are disabled to make such Sale as aforesaid, that then the Commissioners aforesaid, or the major Part of them, shall and are by Virtue of this Act authorized, impowered and required to issue out Warrants under their Hands and Seals, to the Sheriff of the said County, which said Sheriff is also hereby required, upon Receipt of such Warrants, to impannel and return a Jury of the most substantial Freeholders, Inhabitants within the said County, to be and appear before the said Commissioners at a certain Day and Time by them to be limited, which Jury (upon their Oaths to them to be administred by the said Commissioners, or the major part of them) shall enquire, assess and return what Damages and Recompence they shall think fit to be awarded to the Owners of the said Twenty Acres, and all Persons interested therein, according to their several and respective Interests; and what Sum of Tobacco the said Jury shall adjudge the said Twenty Acres to be worth, shall be paid to the Owners, and all Persons interested therein, by such Person or Persons as shall take up the said Lots, proportionably to their Lot or Lots. Session Laws

And be it further Enacted, That the Surveyor of Baltemore County, for the Time being, shall have and receive for Surveying and Laying out the Town aforesaid, the Sum of Fifteen Hundred Pounds of Tobacco, and no more, to be paid and allowed him in the said County-Levy. And in case the Taker up of such Lot or Lots refuse and neglect to build upon such Lot or Lots within Twelve Months, a House that shall cover Four Hundred Square Feet; and none of those Houses shall be suffered to have any Chimney, unless the same be built with Brick or Stone, after taking up the same: That then it shall and may be lawful for any other Person or Persons whatsoever, to enter upon the said Lot or Lots, so as aforesaid, not built upon, paying such Sum of Tobacco as shall be first set and assessed upon such Lot, to the Commissioners aforesaid, or such other Person as the said Commissioners or the major Part of them, shall nominate and appoint to receive the same, for the Publick Use and Benefit of the said Town called Joppa, and to be taken up the second Time.

Provided always, That such Second Taker-up, or Purchaser, build and finish (within one Year after such his Entry made) such House as in this Act is before limited and appointed to be built by the first Taker-up; which House so built, shall give and settle as good Estate, to all Intents and Purposes, to such second Taker-up and Builder, as aforesaid, his Heirs and Assigns, as is in and by this Act before limited and settled upon the first Taker-up and Builder.

And in case any of the said Lots shall be neglected to be taken p. 272 up, in the Town aforesaid, during the Term of Seven Years, next after the Publication of this Act; that then and in such case, the Owner or Person interested at the first in such Land, shall (after

Session Laws such Time expir'd) be possess'd and interested in the said Lot or Lots, as in their first and former Estate; any thing in this Act contained to the contrary notwithstanding.

And be it further Enacted, That there shall be allowed to all Debtors whatsoever, owing any Tobacco to any Person or Persons whatsoever or howsoever, such Debtor bringing his Tobacco to the Town aforesaid, and there paying the same to his Creditor or Creditors, or his or their Receivers, the Sum of Ten Pounds of Tobacco per Cent. for every Hundred Pounds of Tobacco so brought to the Place aforesaid, and there paid as aforesaid; to be deducted out of such Debtors said Debt, or allowed of in Bar or Discount of any Action to be brought against any Debtor or Debtors, by any Creditor or Creditors, in any Court within this Province.

1725 Chap. II [Wm Parks compilation, 1727, p. 272]

An Act for destroying Squirrels and Crows.

Be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Twenty Fifth Day of December next, Every Master, Mistress, Owner of a Family, or single Taxable, in the several and respective Counties within this Province, shall be, and are by this Act obliged Yearly, (at some Time before the laying their County Levy,) to produce to some One of the Justices of their County, Three Squirrels-Scalps, or Crows-Heads, for every Taxable Person they shall pay Levy for that Year; and the Justices of the Peace before whom such Squirrel-Scalps or Crows-Heads shall be brought, shall be and is hereby obliged to cut off, or cause to be cut off the Ears, or otherwise destroy such Squirrel-Scalps, and destroy such Crows-Heads that shall be so produced to him, to prevent their being produced a Second Time; and give such Person a Certificate under his Hand, certifying the Number of Squirrel-Scalps, or Crow-Heads, such Person brought before him; which Certificate the Person obtaining the same shall lay before the Justices of their County at the Time of laying the County-Levy; and the Justices shall then cause a List of the Taxables of their County to be laid before them in Order, from thence to compare the Number of Taxables each Person pays in the County, with the Certificates produced.

1725 Chap. III [Wm Parks compilation, 1727, p. 273]

An Act for Relieving the Inhabitants of this Province from sundry Aggrievances they lie under, occasioned by the Scarcity of Tobacco within this Province, in the Year Seventeen Hundred and Twenty Four.

Forasmuch as the Act of Assembly made at a Session of Assembly begun and held at the City of Annapolis, on the Sixth Day of

October, Anno Domini Seventeen Hundred and Twenty-Four, Entituled, An Act relieving the Inhabitants of this Province from some Difficulties they may lie under in paying their Levies and other just Debts this Year, has not sufficiently reliev'd many People within this Province, from the Hardships they laboured under, for want of Tobacco to pay Levies and Officers Fees, but many of them obliged to pass Obligations to the several Sheriffs within this Province, for much larger Sums of Money than ever the Legislature intended they should be obliged to pay for such Debts, which will be the utter Ruin of many Families, if not timely prevented:

Session Laws [Ch. IV, VI, VIII of Acts this Session, printed in Vol. 35 of Archives, beginning at 427]

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not be lawful for any Person to commence any Action or Suit whatsoever, upon any Obligation, Note, Bill, or other Writing, which hath been given or pass'd this present Year, for the Payment of any Sum or Sums of Money for any Tobacco due to any Attorney, Sheriff, or other Officer, for Levies or Fees, which have arisen or become due since the Twenty Fifth Day of December, Seventeen Hundred and Twenty Two, but such Obligations shall be deemed, taken and held to be void, and both Debtors and Creditors in the same State they would have been in, if such Obligations, Bills, or other Writing had not been made or pass'd. And that it shall not be lawful for any Person to take, demand, sue for, or recover, for any Tobacco which hath arisen, or become due since the Time aforesaid, for Levies, Attorneys, or other Officers Fees, any more than the Principal Debt, with Eight per Cent. for the Interest and Damage for the Non-payment thereof; any Law, Statute, Usage or Custom to the contrary notwithstanding.

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And be it further Enacted, by the Authority, Advice and Consent aforesaid, That any Person sued for any Tobacco due for Levies, Attorneys, or Officers Fees, or upon any Obligation, Bill or other Writing, made or pass'd this present Year, for any Tobacco due for Levies, Attorneys, Sheriffs or other Officers Fees, may plead the General Issue, and give this Act and the special Matter therein in Evidence.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That where any Sheriff hath actually paid any Sum of Money to any Attorney or Officer, on Account of Fees put into his Hands to collect, which the said Sheriff hath not received, it shall and may be lawful for the said Sheriff to sue for and recover such Money back from such Attorney or Officer (unless such Sheriff voluntarily purchased such Fees of such Attorney or Officer:) Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

Session Laws

Provided always, That nothing in this Act contained, shall be construed to make void any Obligation, Bill, Note or other Writing, made or passed by any Person to pay any Money for any Tobacco due for Levies, Attorneys, Sheriffs, or other Officers Fees, who had Tobacco wherewith to satisfy such Levies, Attorneys, Sheriffs, or other Officers Fees, after the Tenth Day of October, Anno Domini One Thousand Seven Hundred and Twenty Four, and refuse to pay such Debts, and sold it or applied it to other Uses than paying their Debts; or to prejudice any Merchant or other Person trading to and from this Province, who has actually bought and paid for any Tobacco: Any Thing herein contained to the contrary, notwithstanding.

1725 Chap. V [Wm Parks compilation, 1727, p. 275; revives 1722, ch. 13]

An Act reviving and continuing an Act of Assembly of this Province, entituled, An Act for the better Relief of Poor Debtors.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That the above-mentioned Act, entituled, An Act for the better Relief of Poor Debtors, made at a Session of Assembly begun and held at the City of Annapolis, the Ninth Day of October, Anno Domini Seventeen Hundred and Twenty Two, be and is hereby revived and continued to be and remain in full Force, for and during the Term of Three Years from the End of this Sessions of Assembly, and to the End of the next Sessions of Assembly, which shall happen after the said Three Years.

1725 Chap. VII [Wm Parks compilation, 1727, p. 276]

An Act to confirm an Estate in Fee-Simple to such Persons as already have or hereafter shall purchase any the Lands lying in the New-Town, commonly called The Addition to the City of Annapolis, or any Land adjoining to the said City of Annapolis, commonly called, The Town-Pasture or Common; and to invest them with the same Privileges within the City of Annapolis, as other the Freeholders therein now have, or hereafter may enjoy.

Whereas sundry Persons lately have, and still do continue to purchase Lots or Parcels of Ground lying as well in the New-Town commonly called The Addition to the City of Annapolis, as in the Land adjoining to the said City of Annapolis, commonly called, The Town-Pasture of Common, from the respective Proprietors thereof. And whereas the said Purchasers do design to settle and improve the said Lots; but forasmuch as it may hereafter be doubted whether their Title to the said Lots are good and valid, or that by Virtue of their respective Purchases, they may be entituled to the same Rights and Priviledges that other the Inhabitants or Freeholders of the said City do now, or hereafter may enjoy, Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the several Lots or Parcels of Ground already purchased, or that shall hereafter happen to be purchased from the respective Proprietors thereof, either in the said Addition to the City of Annapolis, or the Lands adjoining thereto, called the Town-Pasture or Common, be carefully surveyed by some skilful Surveyor; and when so done, the said respective Lots or Parcels of Land be numbred in usual Manner, and returned into the Mayor's Court Office of the City aforesaid. Session Laws

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the several Purchasers aforesaid, their Heirs or Assigns, shall, from the Time of their respective Purchases, have, hold and enjoy an absolute Estate in Fee Simple, in the said Lots or Parcels of Land by them already purchased or that shall hereafter happen to be purchased as aforesaid. And that they, the said Purchasers, and their Assigns, shall, by Vertue of the respective Purchases aforesaid, and building a substantial Dwelling-House with Four Hundred Foot of Floring, besides Garrets or Roofs, shall for every Quarter of an Acre so improved, have and enjoy all and singular the Privileges that the Free-holders or Inhabitants of the said City, have heretofore had or hereafter shall have, notwithstanding the said Lots or Parcels of Land have not been heretofore laid out into Lots; and that the same p. 277 Lots may hereafter be deemed within and as Part of the City Lots: Any Law, Statute, Usage or Custom to the contrary, notwithstanding.

Provided, That it may be lawful for the present Owners to sell unto any Purchasers, to hold of him or them under the like Rents and Conditions, as the said Owners hold the same under the Lord Proprietor, as in the Cases of Lord Mesne and Tenant, in England, in case they make their Deeds of Bargain and Sale accordingly.

And provided also, that convenient Streets and Allies be duly regarded, saving to His Lordship the Lord Proprietor, His Heirs and Successors, and to all Bodies Politick and Corporate, and all others not mentioned in this Act, their several and respective Rights.

An Act to invest the Vestry of Great-Choptank Parish in Dorchester County, with an Estate in Fee-Simple to the Lands therein mentioned.

1725 Chap. IX [Wm Parks compilation, 1727, p. 277; explained by 1730, ch. 2]

Whereas the Vestry of Great-Choptank Parish in Dorchester County, for the Ease and Conveniency of sundry Inhabitants of the said Parish, have some Years past erected and built a Chappel upon Two Acres of Land, Parcel of Fifteen Acres laid out for Publick Uses, at the Town of Vienna in the County aforesaid. But for-

Session Laws asmuch as thro' some Neglect of the Vestry of the said Parish for the Time being, or Town-Clerk, by his not making due Entries, it doth not appear that the said Chappel and Two Acres of Land as aforesaid, are well and sufficiently secured to the Use and Behoof of the said Parish, according to the Provisions of the Acts of Assembly; by Occasion whereof it may hereafter happen that the said Two Acres of Land and Chappel thereupon, may be claimed by some other Person; and the Parish's Right and Title thereunto may become disputable: For the Prevention whereof, and for that William Ennals, of Dorchester County, Gent. present Possessor and p. 278 Lessee for Years, of the said Land, appears in the House, and testifies his Consent thereto,

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Vestry of the said Parish and their Successors, shall, notwithstanding any Defects in the Vestry or Clerk aforesaid, stand good, and are hereby vested and seized of the same good, sure and indefeazable Estate in Fee-Simple, to the Use of the said Parish, of, in, and to the aforesaid Two Acres of Land whereon the said Chappel now stands, and next adjoining thereunto, as they might have had in case all the necessary Provisions requisite thereunto had been complied with by the Vestry aforesaid: Any Law, Statute, Usage or Custom to the contrary, notwithstanding. Saving to His Most Sacred Majesty, His Heirs and Successors, the Lord Proprietor, his Heirs and Successors, and all Bodies Politick and Corporate, and all others not mentioned in this Act, their several and respective Rights.

1725 Chap. X [Wm Parks compilation, 1727, p. 278]

An Act for dividing Great-Choptank Parish in Dorchester County, and for erecting a Parish out of the same, called by the Name of St. Mary White-Chappel-Parish.

Whereas it is represented to this present General Assembly, by the Inhabitants of Great-Choptank in Dorchester County, That the said Parish is very large, and that the Forty Pounds of Tobacco per Poll is a sufficient Allowance for Two Incumbents; and that the Upper Inhabitants thereof, by the vast Extent of the same, are often depriv'd of the great Blessing of having the Gospel preached among them. For Remedy whereof, and for that the Reverend Thomas Howel, the present Incumbent, having Notice thereof, and consenting thereto, It is prayed that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Tenth Day of December, One Thousand Seven Hundred and Twenty Five, all that Part of Great-Choptank Parish, beginning at the Mouth of Cabbin-Creek, on the South Side of Great-Choptank River, and running up the said Creek, bounded therewith to the Mill, and from thence runing a-cross to the North-West Fork of Nanticoak, as the Line runs that divides Great-Choptank Hundred from Nanticoak Hundred, and so binding all round with the said Great-Choptank Hundred, to the Mouth of the said Cabbin-Creek, shall be and is by this Act separated, constituted, erected and made into a Parish, to be called by the Name of St. Mary White-Chappel-Parish, divided as aforesaid from the said Great-Choptank Parish in the said County, and shall be and is hereby adjudged, deemed and taken to be a separate and distinct Parish; giving to the several Free-holders thereof (at a certain Day to be appointed by them) full and ample Power to elect and make Choice of the Number of Six select Vestry-Men at least; and also to build and found a Church therein; and shall have, hold, and enjoy all Privileges and Advantages whatsoever, that are held and enjoyed by any other Parish within this Province: Any Law, Statute, Usage or Custom to the contrary, notwithstanding. Session Laws p. 279

An Act for the Removing the Court-House from Battle-Creek in Calvert County, and for building a Court-House for the said County, on or near that Place in the said County, commonly called and known by the Name of Williams's Old Field; and for making Sale of the Old Court-House and Prison. 1725 Chap. XI [Wm Parks compilation, 1727, p 279]

Whereas several of the Inhabitants of Calvert County have petitioned this present General Assembly, setting forth, that their Court-House already built at Battle-Creek, is very old, decayed, and inconvenient to the greatest Part of the Inhabitants of the said County; and pray that a Law may be made for erecting or building a Court-House on or near that Place in the said County, which is commonly called and known by the Name of Williams's Old Field, it being the most proper Place for such Purpose; which being made plainly appear to this General Assembly, It is prayed that it may be enacted,

And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Calvert County-Court or the major Part of them, be and are hereby authorized and impowered, on or before the Third Tuesday in March next after this Sessions of Assembly, to go to such Place on or near that Place commonly known by the Name of Williams's Old Field in the said County, and there make Choice of Three Acres of Land whereon to build such a Court-House as they shall think necessary; and to agree with the Owner of such Land for the Purchase thereof for ever. And in Case the Owner or Owners of such Land shall refuse

Session Laws to make Sale of such Three Acres of Land at a reasonable Price, or be under any Disability of making thereof, then the said Justices or the major Part of them, shall be and are by Virtue of this Act authorized, impowered, and required to issue their Warrants to the Sheriff of the said County, requiring and commanding him to impannel and return a Jury of the most substantial Free-holders (not less than Twelve) Inhabitants within the said County, to be and appear before the said Commissioners at the said Place upon a certain Day to be by them limited; which Jury, upon their Oaths, to be by the said Commissioners or the major Part of them to the said Jurors administred, shall enquire into the Value of the said Three Acres of Land, and the Damages the Owner or Owners thereof will sustain by the building a Court-House thereon. And what Sum of Tobacco the said Jurors shall assess to the Owner or Owners of such Land, for such Land and Damages for building a Court-House thereon, shall be paid to the Owner or Owners of such Land, by the said County, and the County entituled to such Land for ever. And the said Justices, or the major Part of them are hereby authorized and impowered to cause the said Three Acres of Land to be laid out by the Surveyor of the said County, and a p. 280 Certificate thereof to be returned and recorded in the County-Court Records; and to treat and agree with Undertakers or Workmen to build and finish a Court-House and Prison on such Three Acres of Land as aforesaid; and the Charge of the said Works and Cost of the Lands to levy upon the said County by an equal Assessment of the Taxable Persons therein: Any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, That after the Finishing of the said Court-House to be built as aforesaid, Calvert County-Court shall be held in such New Court-House and not elsewhere. And such New House shall be taken, held, and deemed to be the proper Court-House of Calvert County: And the Justices of the said County are hereby impowered and required with all convenient Speed after finishing the said New Court-House, at or near the said Williams's Old Field as aforesaid, to remove or cause to be removed from the Old Court-House of the said County, to such Court-House as aforesaid, to be built in the said County, all the Records, Books, Rolls, Papers and other Records to the said County-Court belonging. And that they cause a List of the said Records to be Signed by the Clerk of the said County, and entered upon Record amongst their Proceedings. And for impowering the Justices of the said County-Court to make Sale of the now Court-House and Prison belonging to the said County, after the finishing and Compleating the said New Court-House,

Be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Justices of the said County-Court, or the major Part of them, are hereby authorized, impowered and required (after the building and finishing the new Court-House, to be built at or near the said Williams's old Field, as aforesaid, and the Records removed, as aforesaid) to make Sale of the said old Court-House and Prison, with the Land thereto belonging, to the best Purchaser or Purchasers, and to convey an Estate thereof in Fee-Simple, to them, their Heirs and Assigns for ever. And that the Money or Tobacco that shall arise by the Sale thereof, shall be applied to the Use of the County, towards defraying the Charge thereof; any Law, Statute, Usage or Custom to the contrary notwithstanding. Session Laws

An Act to encourage the Takers up of run-away Slaves, that shall be taken up by any Person and brought in from the Back-Woods:

1725 Chap. XII [Wm Parks compilation, 1727, p. 280]

Whereas sundry of the Slaves belonging to several of the Inhabitants of this Province, have of late Years runaway into the Back-Woods, some of which have there perished, and others who held it out (as to their Lives) have been entertained and encouraged to live and inhabit with the Shewan-Indians; And forasmuch as many Negroes (upon hearing the Success some of their Fellow-Slaves have met with) are daily making Attempts to go the same Way, which if not timely and effectually prevented, may be of very ill and fatal Consequences to the Inhabitants of this Province: For Prevention whereof, it is humbly prayed that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietor of this Province, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, p. 281 and the Authority of the same, That any Person whatsoever, either Indian or others, that shall take up any Run-away Slave (already run away, or that shall hereafter run away) in any Part of the back Woods, to the Northwestward of Monocacy River, from the Mouth thereof up the said River, to the fording Place where the Conestogo-Path crosses the same, near one Albine's Plantation, and then to the Northwestward of the said Conestogo-Path, until it meet with Susquehannah-River, and by them shall be brought in and delivered to the Person to be appointed and commission'd (according to the Directions of this Act) to receive such Run-away Negroe, shall be paid by the said Commissioner, as a Reward for each Run-away Slave taken up, brought in, and delivered as aforesaid, the Sum of Five Pounds Current Money.

And be it further Enacted, by the Authority, Advice and, Consent aforesaid, That such Person as the Governour of this Province for the Time being, with the Advice of his Lordship's Council of State, shall think fit to appoint and commission for that End, be and is hereby authorized, impowered and required to receive all Run-away Slaves, from such Person or Persons as shall take them up in the Back-Woods as aforementioned, and shall immediately

Session Laws pay the Takers-up of such Slaves, out of the Publick Stock lodged in his Hands, the Sum of Money allowed them by this Act.

And be it further Enacted, That the Sum of Thirty Pounds Current Money be immediately paid by the Treasurer for the Western-Shore, to the aforesaid Commissioner to be appointed, and lodged with him, or such other Person as shall hereafter be appointed and commissioned, as a Stock and Fund, for the due discharging and paying the Takers up of such Run-away Slaves as are provided for by this Act: And the said Commissioner to be appointed to execute the same Trusts, shall be and is hereby further authorized and impowered to commit all such Run-away Slaves as he shall receive from the Takers-up, and shall have paid them for so doing, according to the Directions of this Act, to the Custody of the Sheriff of Prince-George's or Baltemore Counties, (unless such Commissioner can secure the Reward paid to the Taker-up of such Slave, with the other Fees that shall accrue, and otherwise conveniently convey such Slave to the Owner,) there to remain till the Master or Owner of such Slave or Slaves (to whom the Sheriff is to give speedy Notice, if known) shall make full Satisfaction to the said Sheriff for the Sum of Money certified to the Sheriff that hath been paid out of the Publick Stock for taking up such Run-away Slave, together with Ten Shillings Current Money, a Fee hereby allowed the Commissioner aforesaid for his Trouble on such Run-away Slave so brought before him: All which Sums of Money received by the Sheriff as aforesaid, shall be by him immediately paid to the aforesaid Commissioner, to make good the Publick Stock so far as has been disburst out of it; of all which Sums of Money received or disburst by the said Commissioner according to the Directions of this Act, he is hereby required to keep a fair Account, to be laid before the General Assembly of this Province, as often as need shall require, and to be always under their Correction and Direction: And in case the Owner of any Run-away Slave that shall be committed to the Custody of the Sheriff, in manner aforesaid, after one Month's Notice given by the Sheriff to such Owner, if living in the Province, of his having such Slave or Slaves in his Custody, or p. 282 Two Months like Notice if living in any of the neighbouring Provinces; or if after Six Months Imprisonment of such Slave, the Owner shall not be discovered to such Sheriff; and if such Owner of such Run-away Slave do not appear within the Time limited as aforesaid, and pay such Imprisonment Fees as are due to the Sheriff, together with the several Sums of Money deposited out of the Publick Stock for taking up such Slave or Slaves, as also the Fee of Ten Shillings Current Money allowed the said Commissioner for his Trouble on each Slave; In all such Cases, the Sheriff having such Slaves in his Custody, is hereby authorized and required (such Time of Notice limited as aforesaid being expired,) immediately to give publick Notice to all Persons by setting up Notes at the

Churches and Court-House Door of the County, of the Slave or Slaves in his Custody, and of the Time and Place of the Sale thereof by him to be appointed, not less than Ten Days after the Time limited as aforesaid, is expired, and at such Time and Place by him appointed as aforesaid, to proceed to sell and dispose of such Slave or Slaves to the highest Bidder; and out of the Money the said Slave or Slaves shall be sold for, to pay himself his own just Fees, reckoning his Tobacco at One Penny per Pound, Current Money, and likewise paying to the aforesaid Commissioner all such Sums by him deposited out of the Publick Stock for taking up such Run-away Slave, together with his own Fees by this Act allowed him; and after such Payments made, if any Residue shall remain of the Money such Slave or Slaves were sold for, such Sheriff shall be only accountable to the Owner of such Slave or Slaves for such Residue or Remainder of the money as aforesaid, and not otherwise. And in Case the Owner of such Slave so as aforesaid sold, shall not make out his Title to such Slave within Six Months after such Sale as aforesaid, and demand such Residue as such Slave shall clear as aforesaid, after Reward and Fees as aforesaid paid, then such Sheriff shall pay such Residue to the Publick Treasurer of this Province for the Time being, there to be lodg'd for the Use of such Person as shall make appear a Right to it. And in Case any Sheriff, or the Buyer of such Slave, or others concerned in the Execution of this Act, shall be sued by any Person or Persons for any Matter or Thing done or to be done in Pursuance hereof, it shall and may be lawful for any such Person or Persons so sued, to plead the General Issue, and give this Act and the special Matter in Evidence; and in case of Non-Suit, Discontinuance or Verdict against the Plaintiff, the Court shall award double Costs of Suit. And forasmuch as that the Encouragement provided by this Act for the taking up such Run-away Negroes as aforementioned, may not be sufficient to deter such Negroes from running away in Manner aforesaid, without inflicting some corporal Punishment on them, such as may render them an Example to Others if they should be guilty of the like Offence, Session Laws

Be it therefore Enacted, by the Authority, Advice and Consent aforesaid, That every Run-away Negroe that shall be taken up to the Northward of Monocacy River from the Mouth thereof up the said River, to the fording Place near Albine's Plantation, where the Conestogo Path crosses Monocacy, and so to the Northward of said Conestogo Path, 'till it meets with Susquehanna River, for the first Offence shall have One of his Ears cut off, by such Person as such Commissioner as aforesaid, shall for that Purpose authorize; and if afterwards he shall be guilty of a Second Offence in the same kind, that then he shall have the other Ear cut off, and be branded p. 283 on the Chin with the Letter R, by such Person authorized as afore-

Session Laws said by such Commissioner as aforesaid: Always excepting from the aforementioned Punishments, young Negroes that are not arrived to the Years of Discretion; and New Negroes Twelve Months after their Arrival here in the Country.

March, 1725 Chap. XXII [Wm Parks compilation, 1727, p. 283] An Act to restrain the ill Practices of Attorneys, and to prevent their taking Money-Fees, and ascertaining what Fees shall be allowed to the Practitioners in the Law, who shall attend the Circuit-Courts.

Whereas the sundry Laws that have been heretofore made, to restrain the evil Practices of Attorneys, and to ascertain their Tobacco-Fees in the several Courts of this Province, have been found ineffectual; insomuch that Complaints are made from sundry Parts of this Province, of the exorbitant Fees taken by Counsellors at Law, Chamber-Counsel, Barristers, Attorneys, and other Practitioners and Advisers in the Law, to the great Damage and Aggrievance of the good People of this Province, and Impoverishing themselves and Families: All which, this General Assembly hath taken into Consideration; and, for Prevention thereof, do pray that it may be Enacted:

And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly of this Province, and the Authority of the same, That from and after the End of this present Session of Assembly, it shall not nor may be lawful for any Counsellor or Counsellors, Attorney or Attorneys, or any other Person or Persons, of what Denomination soever in the Law, to ask, demand, take, or receive, on any Pretext or Pretence whatsoever, any greater, or other Fee or Fees, Gratuity or Gratuities, Gift or Gifts, Present or Reward whatsoever, either by himself or any other Person, for his Use, for Counselling, Commencing, Advising, Prosecuting and bringing to final Judgment, Agreement or other End thereof, any Cause whatsoever, to be prosecuted or impleaded in any Court or Courts, as aforesaid, other than such Fees as are hereafter enumerated, (that is to say,)

For Bringing, Prosecuting or Defending, any Action of what Nature or Quality soever, to final Judgment, Agreement, or other End thereof, in the several County-Courts, the Sum of One Hundred Pounds of Tobacco; unless the principal Debt or Damage, or Ballance of any Debt or Damages sued for and recovered, do exceed the Sum of Two Thousand Pounds of Tobacco, or Ten Pounds Sterling; that then the said Attorney shall have Two Hundred Pounds of Tobacco and no more.

p. 284 To the Clerk of Indictments, for Prosecuting any Suit of the Lord Proprietor, in the County-Court, either by Indictment, Presentment, Information, or otherwise, One Hundred Pounds of To-

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bacco for his Fee and no more; unless the Party prosecuted shall traverse, and in-such Cases Two Hundred Pounds of Tobacco for his Fee and no more.

And to any Attorney, or other Person, practising the Law in the Provincial Court, High-Court of Chancery, Commissary's Court, Court of Vice-Admiralty, or for Prosecuting or Defending any Appeals, Writs of Error, or any other Matter or Thing whatsoever, before His Honour the Governour and Council, the several Sums hereafter expressed and set down, (to wit,) For Prosecuting or Defending any Cause, Plaint or Action, of what Nature soever, in the Provincial-Court, to final Judgment, Agreement, or other End thereof, the Sum of Four Hundred Pounds of Tobacco and no more.

For any Fee in the High Court of Chancery, and Court of Vice-Admiralty, Six Hundred Pounds of Tobacco and no more.

For any Fee in the Commissary's Court, Four Hundred Pounds of Tobacco, and no more.

For any Fee upon any Writ of Error or Appeal, which shall be brought before the Governour and Council, Six Hundred Pounds of Tobacco and no more.

For drawing Petition, Pleading, or Defending any Cause before the General Assembly, the Sum of Four Hundred Pounds of Tobacco, and no more. If a Bill drawn and engross'd thereon, then Two Hundred Pounds of Tobacco more.

For Pleading, or Defending any Cause, Matter, or Thing, before His Lordship's Agent, or Judge in Land Affairs, the Sum of Three Hundred Pounds of Tobacco, and no more.

To his Lordship's Attorney-General, or Prosecutor, for any Action or Cause, in the Provincial-Court, or at the Assizes, at the Suit of his Lordship, by Indictment, Presentment, Information, or otherways, the Sum of Four Hundred Pounds of Tobacco, and [no] more.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That it shall not, nor may be lawful, for any Attorney, Practitioner, Counsellor, or Adviser in the Law, whatsoever, from and after the End of this present Session of Assembly, to advise, sue for, prosecute, defend, or implead, any Person or Persons whatsoever, in any Action or Actions, hereafter to be commenced in any of the Courts or Jurisdictions of this Province, unless he or they do first apply him or themselves to such Court or Courts, Jurisdiction or Jurisdictions, where such Action or Actions are to be prosecuted, defended, or impleaded, and then and there take the following Oath; which Oath, the Justice or Justices, or any other Judge or Judges, of the several Courts or Jurisdictions, are hereby impowered and required to administer, before they admit such Attorney, or Attor-

Session Laws neys, or other Person practising the Law, to plead before them: Saving the several Rights and Priviledges of the Inhabitants of the City of Annapolis, by Virtue of Her late Royal Majesty's Charter granted them.

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Oath of an Attorney.

You A. B. shall swear you will do no Falshood nor Deceit, nor consent to any to be done in this Court: And if you know of any to be done, you shall give Knowledge thereof to the Chief Justice of this Court, that it may be reformed: You shall delay no Man, for Lucre or Malice: You shall not, wittingly or willingly, encrease or receive any Fees, by your self, or any other, (except in capital Cases) either in Money Sterling, Bills of Exchange, current Money, Tobacco, or by any other Means whatsoever, either as an Attorney, Chamber-Counsellor, Counsellor at Law, Barrister, or under any other Denomination of the Law whatsoever, for Advising, Titleing, Drawing Declaration, Pleading, general or special Retainer, or any other Service whatsoever in the Law, done, had or advised to be done or had, for the Services aforesaid, or thereto in any wise relating, in any of the Courts of Record, Court of Chancery, or other Court or Courts, Jurisdiction or Jurisdictions, established in this Province, any greater or other Fee, Gift, Gratuity or Reward, than such Fee or Fees as are established and enumerated by an Act of Assembly, entituled, An Act to restrain the evil Practices of Attorneys; and to prevent their Taking Money-Fees; and to ascertain what Fees shall be allowed to the Practitioners in the Law, who shall attend the Circuit Courts: But in all Things be conformable to the Act aforesaid. You shall plead no foreign Plea, nor sue any foreign Suit, unlawfully to hurt any Man; but such as shall stand with the Order of the Law, and your Conscience: You shall not wittingly nor willingly sue nor procure to be sued, any false Suit, nor give Aid or Consent to the same, on Pain of being expulsed from the Court for ever; And further, you shall use and demean your self in the Office of an Attorney, within this Court, according to your Learning and Discretion. So help you God.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That any Person or Persons, Inhabitants of this Province, who, from and after the End of this present Sessions of Assembly, shall have Occasion to advise with any Attorney or Attorneys, Counsellor or Counsellors in the Law whatsoever, or to commence, prosecute or implead any Person or Persons whatsoever, in any Action or Actions, or to defend him, her or themselves, from any Action or other Process whatsoever, before any Court or Courts, Jurisdiction or Jurisdictions of this Province, the Plaintiff at the Return of such Writ, or before Tryal of the said Cause, shall be obliged to take the following Oath, (or Affirmation, if a Quaker) prescribed by this Act, before the Court to which such Writ is returnable, or before some Justice of the Provincial Court, or of the Peace, for the said County, or the County where such Plaintiff doth reside; and to return a Certificate of the same to the said Court; and in Default thereof shall suffer a Non-Suit, if the Defendant appears: And in case the Defendant, on the Return of such Writ, if he shall appear, or before Tryal of such Cause, doth not take the same Oath before the Court, or produce a Certificate of his having so done, before some Magistrate as aforesaid, the Plaintiff having complied with his Part, it shall and may be lawful for the Justices of the several Courts within this Province, on the Plaintiff his making appear his Claim, to give Judgment against such Defendant, as by Default, for such Debt, Damages and Costs, as to them shall seem meet. Session Laws

Oath of Plaintiff and Defendant. p. 286

You A B. do swear that you have not given, caused to be given, or paid, nor wittingly, willingly or designedly give, cause to be given, or pay, either directly or indirectly, unto your Attorney or Attorneys, Counsellors or Advisers, in the Cause now depending between you and C D, in Court, or to any other Person whatsoever, for the Use of your said Attorney or Attorneys, Counsellors or Advisers, any other or larger Fee or Fees, Gratuity or Reward, either for Advice in the said Action, or any other Services thereto relating, than they are allowed to take, by an Act of Assembly, entituled, An Act to restrain the evil Practices of Attorneys; and to prevent their taking Money-Fees; and to ascertain what Fees shall be allowed to Practitioners in the Law, who shall attend the Circuit-Courts, according to the best of your Knowledge. So help you God.

A Certificate, of such Person or Persons having taken such Oath or Oaths, or Affirmation, (if a Quaker) of Plaintiff or Defendant, shall be delivered to the Clerk of the County; and the Clerk of the County, Ex Officio, is hereby required to file the said Certificate or Certificates. And the Judges or Justices of any Court or Courts, Jurisdiction or Jurisdictions of this Province, are hereby required not to suffer any Cause or Causes, which shall hereafter be commenced, to be prosecuted or defended before them, before the several Oaths, or Affirmation (if a Quaker) appointed by this Law, for Attorneys, Plaintiff and Defendant, have been taken before them, or Certificates thereof returned as aforesaid.

And be it further Enacted, by and with the Authority, Advice and Consent aforesaid, That all and every Clause or Clauses, Article or Articles, mentioned in any Act of Assembly of this Province heretofore made, relating to the ascertaining and limiting of Attorneys Fees only, be and are hereby declared to be repealed, abrogated and made void, to all Intents, Constructions and Purposes. Pro-

Session Laws vided, that this Act, nor any Thing therein contained, shall extend, or be construed to extend, to hinder his Majesty, the Lord Proprietor, or any Person or Persons, not residing within this Province, from bringing and prosecuting to final Judgment or other End thereof, any Action or Actions, as if this Law had never been made.

Provided nevertheless, That the Agents or Attorneys within this Province, of all such Persons, if any they have, (except the Agents and Attorneys of his Royal Majesty, and the Lord Proprietor) be, and are hereby obliged to take the same Oaths as prescribed by this Law to be taken by Plaintiff and Defendant, changing what is needful to be chang'd.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the several Attorneys practising the Law, who shall hereafter (in Person) attend the Circuit-courts within this Province, shall be allowed to take and receive, as a Fee, for prosecuting or defending any Cause in such Court of Assize, to final End, Agreement or other Determination thereof, the Sum of Four Hundred Pounds of Tobacco, over and above the Fees before by this Act limited for prosecuting an Action in the Provincial Court; any Thing in this Act to the contrary, in any wise notwithstanding.

p. 287 Provided nevertheless, That in case any Person shall ask Advice of any Attorney or other Person whatsoever, in order to the prosecuting any Action or Suit whatsoever, if no Action be commenced on such Advice, or Action not defended by such Attorney or other Person practising the Law, it shall and may be lawful for such Attorney, or other Person, to take, as a Fee for such Advice, One Hundred Pounds of Tobacco and no more, under the Pain and Penalty of Five Thousand Pounds of Tobacco, one Half thereof to the Informer, and the other Half to the Use of Publick Schools; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Person or Persons whatsoever, practising the Law within this Province, or other Person within the Purview of this Act, shall presume to take or receive, of any Client or Employer whatsoever, in Lieu of the Tobacco Fees by this Act limited, more than the Sum of Ten Shillings current Money per Hundred, under Pretence of selling their Fees to their several Clients or Employers, or under any other Colour or Pretence whatsoever.

And be it further Enacted, by and with the Authority, Advice and Consent aforesaid, That where any Attorney or Attorneys practising the Law, in any Court or Courts, Jurisdiction or Jurisdictions, within this Province, who already have been employed, or shall hereafter be employed by any Person or Persons whatsoever, in any Action or Actions already commenced, or hereafter to be commenced, in any Court or Courts, Jurisdiction or Jurisdictions aforesaid, who shall wilfully neglect, refuse or deny to finish the same, so that their Clients or Employers shall suffer Non-Suits or Judgments to pass against them, or shall be obliged to employ another Person or Persons, to prosecute or defend such Cause or Causes as aforesaid, that in all such Cases, such Attorney or Attorneys, so neglecting or refusing, shall be obliged to refund all such Fees as they have or shall receive of their Clients or Employers; and also pay all such Damages, Costs and Charges, as to the Parties may accrue by Means of such Neglect or wilful Refusal, which said Fees and Charges so laid out and expended, or Damages sustained by such Client or Clients, Employer or Employers, if they exceed the Sum of Four Hundred Pounds of Tobacco, or One Pound Thirteen Shillings and Four Pence current Money, shall be recovered in the Provincial or County-courts of this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

But if the said Damages, Costs and Charges, do not exceed the Sum of Four Hundred Pounds of Tobacco, or One Pound Thirteen Shillings and Four Pence current Money, the same shall be recovered according to the Directions of an Act of Assembly of this Province, entituled, An Act for the speedy Recovery of small Debts.

Provided always, That such Attorney, or other Practitioners of the Law, heretofore employed in any Action, as aforesaid, as shall depart this Province before the finishing such Actions, shall be exempted from all Penalties inflicted upon Attorneys, or others, by this Act, for not finishing the Business they are employed in; if, before such Departure, such Attorney, or other Practitioner of the Law, shall pay the Fee of such other Practitioner of the Law as their Clients shall employ, to finish such Action, and give the best Instructions for doing the same, as they are capable of; any thing in this Act contained, to the contrary thereof, in any wise notwithstanding. p. 588

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That if any Person or Persons whatsoever, from and after the End of this present Session of Assembly, shall presume to ask, take or receive of any Person or Persons whatsoever, any Sum or Sums of Money, or Tobacco, Wares or Merchandizes, for giving their Opinion or Advice, in any Cause or Causes, already commenced, or hereafter to be commenced, in any of the Courts or Jurisdictions of this Province, before he or they have taken the several Oaths to the Government, appointed to be taken by Act of Assembly of this Province, and subscribed The Test, shall forfeit and pay, for every such Offence, the Sum of Fifty Pounds current Money, the one Half to the Informer, or him, her or them who shall

Session Laws sue for the same, the other Half to the Use of the County-School where such Person so offending shall dwell; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection or Wager of Law to be allowed.

And to prevent Attorneys from commencing Litigious Actions, purely to increase their Fees, Be it further Enacted, That no Attorney, or other Practitioner of the Law, shall hereafter be allowed any Fee for Prosecuting any Action or Suit of his own; any Law, Statute, Usage, or Custom to the contrary, notwithstanding.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That an Act of Assembly, made at a Session of Assembly, begun and held at the City of Annapolis, the Sixth Day of October, Anno Dom' One Thousand Seven Hundred and Twenty Five, Entituled, An Act to restrain the ill Practices of Attorneys; and to prevent their taking Money-Fees; and ascertaining what Fees shall be allowed to Practitioners in the Law, who shall attend the Circuit Courts; and every Matter, Clause, and Thing therein contained, be for ever hereafter declared to be utterly abrogated, and made null and void, to all Intents, Constructions, and Purposes whatsoever.

Provided, That this Act, or any thing therein contained, shall not extend, or be construed to extend, to hinder any Attorney or Attorneys, Practitioners or Advisers in the Law whatsoever, from Prosecuting, Defending, or causing to be brought to final End or Judgment, any Action or Actions, he or they have already brought, commenced, prosecuted or defended, against any Person or Persons in this Province, either in Behalf of themselves, or any other, which have been commenced or brought at any Time before the Sixth Day of October, Seventeen Hundred Twenty Five; nor to debar or hinder any Practitioner in the Law whatsoever, from bringing, prosecuting, or defending, in his or their proper Person or Persons, any Action or Actions that relate to him or themselves.

Provided, They or any of the Attorneys aforesaid, shall make appear upon Oath, before the Justices of the Court or Courts where such Action or Actions are brought, or defended, That the said Action or Actions, so brought or defended, are what they are really, and bona fide, concerned in, on their own personal Right, or as
p. 289 Executors or Administrators of any Person or Persons deceased, without any Deceit, Collusion, or Artifice whatsoever, to evade the Oath of Client or Attorney, prescribed by this Act.

And, forasmuch as it is represented to this present General Assembly, That many Actions commenced before the Sixth Day of October last, have been discontinued, or the Persons commencing the same, have or may suffer Non-Suits, or Decrees or Judgments have been rendred against sundry Defendants, in the several Courts or Jurisdictions within this Province, occasion'd (as 'tis said) by the tender Consciences of the Attorneys practising the Law therein. For Remedy whereof, Session Laws

Be it Enacted, That all such Actions or Causes as were depending at any Time before the said Sixth Day of October, Anno Domini Seventeen Hundred and Twenty Five, in any the Courts or Jurisdictions within this Province, and discontinued, or Non-Suits or Judgments entered therein, at any Time before the End of this Session of Assembly, shall be taken, deemed, reputed and held to stand and be, to all Intents, Constructions and Purposes whatsoever, as if such Non-Suits, Judgments, Decrees or Discontinuance had never been entred: But that the several Judges, or Justices, may proceed to the Hearing and Determining all or any such Causes; any Law, Statute, Usage or Custom to the contrary thereof, in any wise, notwithstanding.

This Act to continue for Three Years; and to the End of the next Session of Assembly that shall first happen after the End of the said Three Years.

An Act to revive, continue and make good and valid in Law, all Process and Proceedings in any of the County Courts within this Province, from the First Day of the County-Courts, held or to be holden in this Month of March, Seventeen Hundred and Twenty Five, until the First Day of the several County-Courts that are to be held in the Month of June, Anno Domini Seventeen Hundred and Twenty Six.

1725 Chap. XXIV. [Wm Parks compilation, 1727, p. 289]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That all Writs, Pleas, Process, Indictments, Informations, Bills, Suits, Actions, or Proceedings whatsoever, depending in any of the said County-courts, the said First Day of the said March Courts, Seventeen Hundred and Twenty Five, which have or may be discontinued, by the irregular Adjournment or Proceedings of the said Courts, and all Writs and Process returnable from the said first Day of the said March Courts, or from the last Day of any of the aforesaid Courts, to the first Day of the June Courts, then next ensuing, shall be good and effectual in Law, to all Intents, Constructions and Purposes whatsoever, any Discontinuance by the irregular Adjournment of the said County-courts, or any other Thing to the contrary, in any wise notwithstanding.

Provided always, That this Act, or any Thing therein contained, shall not extend, or be construed to extend, to take away such Errors in Law, as shall or may arise upon the Mis-issuing of Process, p. 290
Mis-pleading and, erroneous rendering of Judgments in Point of

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Law. But that in all such Cases, the Party or Parties grieved, may have their Writ or Writs of Error, or Appeal, upon such erroneous Judgments, as they might have had before the making this Act, any Thing therein to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the several Justices of the Peace of any of the County-courts of this Province, that have not already taken the Oath of Justice, according to the Directions of an Act of Assembly of this Province, entituled, An Act for ascertaining the Form of the Oath of a Judge, or Justice, be and are hereby enabled and required to take the same, by Vertue of their former Dedimus, at any Time before the First Day of July next, any Thing in any former Act of Assembly of this Province, to the contrary, notwithstanding.

1726 Chap. I [Wm Parks compilation, 1727, p. 290; ch. IX of Acts this Session printed in Vol. 35 of Archives at p. 569; repeals 1698, ch. 13]

An Act for Uniting Part of Baltemore County, to Anne-Arundel County.

Whereas the several Inhabitants on the South Side of Patapsco River in Baltemore County, have, by their humble Petition to this present General Assembly set forth, That for many Years past, they have suffered great Inconveniencies by the Distance of their Residence from the Court-house of their County, which is so scituate that even moderate Rains render it inaccessible; for thereby many Falls, as well as several Runs, which must be past, are utterly unfordable, which constantly subjects such of them as are obliged to attend the County courts, to the Censure of such Court, and very often to grievous Fines:

And forasmuch as it is evidently made appear to this present General Assembly, that the Petitioners, or such of them as then resided on the South Side of Patapsco River as aforesaid, were formerly Part of Anne-Arundel County; and that they, when Baltemore County was in its Infancy, were lopt off from Anne-Arundel County, meerly and with no other Intent than to bear a Part of the necessary Charge of the said Baltemore County, with the few Inhabitants that were then therein, which, though their Taxes were much increased thereby, they bore with Patience:

And forasmuch as great Part of the Land in Anne-Arundel County is so much worn out, that several of the former Inhabitants thereof have of late Years removed into Baltemore County, for p. 291 Sake of the fresh Land there: As also, that on Inspection 'tis found that when the now Inhabitants on the South Side of Patapsco River in Baltemore County aforesaid, are taken from that County, and made Part of Anne-Arundel, there will still remain One Thousand Seven Hundred Ninety One Taxables, as appears by the List of Taxables now returned from that County, which is a Number that far exceeds those in Four or Five other Counties of this Prov-

Session Laws

ince; And that it appears by the said List of Taxables, that the Number of Taxables since last Year has increased near Two Hundred, and in all Probability will in a very few Years (by Lands being daily seated and taken up on the Branches of Susquehannah River, and other Rivers in the said County) be much improved: The Premises aforesaid being considered by this present General Assembly, It is humbly prayed that it may be Enacted,

And be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That from and after the last Day of May, which shall be in the Year of our Lord One Thousand Seven Hundred Twenty Seven, the Land lying on the South Side of Patapsco River aforesaid, and contained within the Bounds following, viz. From the Mouth of the said Patapsco River, with the said River, to the Head thereof, and from thence bounding on the South Side of the main Falls, being the Southernmost great Branch of the said River, and running as the said Branch runs, to the first main Fork of the said Falls, and then bounding on the South Side of the said Southermost Fork, 'till a South Course will intersect the Head of Snowden's River, and so down the said Snowden's River, 'till it meet with the now Extent of Anne-Arundel County, shall be, and for ever hereafter deemed as Part of Anne-Arundel County; and that the Inhabitants thereon already seated, or that shall hereafter be seated, shall be and are hereby declared to be the Inhabitants of Anne-Arundel County; and shall by Virtue of this Act be entituled to the same Rights and Priviledges within the said Anne-Arundel County, as other the Inhabitants thereof now have, or hereafter may have; any Law, Statute, Usage or Custom to the contrary thereof in any wise notwithstanding.

Provided always, That nothing herein contained, shall extend or be construed to extend, in any Manner to hinder or debar any Person or Persons from recovering their just and lawful Debts, Dues, or Demands whatsoever, or to stay or hinder any Prosecutions or other Matters already begun, or that shall at any Time before the said last Day of May, Seventeen Hundred Twenty Seven, be begun in Baltemore County Court, against any the Inhabitants living on the aforesaid South Side of Patapsco River aforesaid, and included within the Bounds aforesaid; but that such Prosecution, or other Matter or Thing whatsoever, may be proceeded in, in the same Manner as if this Act had never been made; any Thing herein contained, or any other Law, Statute, Usage or Custom to the contrary thereof in any wise notwithstanding.

And be it further Enacted, That that Part of the Act of Assembly for dividing Anne-Arundel County, as relates to the South Side of Patapsco River being added to Baltemore County, be, and is hereby utterly repealed and made void.

Session Laws 1726 Chap. III [Wm Parks compilation, 1727, p. 292; revives 1720, ch. 1]

An Act for reviving an Act, Entituled, An Act for raising a Duty of Three Pence per Hogshead, on all Tobacco exported out of this Province, for the Uses therein mentioned.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act made at a Session of Assembly, begun and held at the City of Annapolis, the Eleventh Day of October, Anno Domini Seventeen Hundred and Twenty, Entituled, An Act for Raising a Duty of Three Pence per Hogshead on all Tobacco exported out of this Province, for the Uses therein mentioned, be and is hereby Revived, and Continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall happen in the Year One Thousand Seven Hundred Twenty Nine.

1726 Chap. IV [Wm Parks compilation, 1727, p. 292; revives 1717, ch. 77]

An Act Reviving and Continuing the Act for ascertaining the Gauge and Tare of Tobacco-Hogsheads, &c.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mentioned Act, Entituled, An Act ascertaining the Gauge and Tare of Tobacco-Hogsheads; and to prevent Cropping, Cutting and Defacing Tobacco taken on Board Ships or Vessels, upon Freight; and for laying Impositions on Tobacco, per the Hogshead, for the Support of Government; and for the encouraging Settlements in this Province, by ascertaining the Manner of paying his Lordship's Alienation-Fines and Quit-Rents, for the Term therein proposed; and for taking off the Three Pence per Hogshead, formerly raised for the Publick Charge, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty Eighth Day of May, Anno Domini One Thousand Seven Hundred and Seventeen, be and is hereby Revived and Continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the Twenty Ninth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty Nine.

1726 Chap. V [Wm Parks compilation, 1727, p. 292; repeals 1725, ch. 13]

An Act Repealing an Act of Assembly, Entituled, An Act for the Release of poor distressed Prisoners for Debt.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of this present General Assembly, and the Authority of the same, That an Act of Assembly made at a Session of Assembly, begun and held at the City of Annapolis, the Sixth Day of October, Anno Dom' One Thousand Seven Hun- p. 293

dred and Twenty Five, entituled, An Act for the Relief and Release of poor distressed Prisoners for Debt; be and is hereby declared to be repealed, made utterly void and of no Effect. (Saving always the Benefit of the said Act to all and every such Person or Persons who at any Time before the Thirtieth Day of June last, have applied to the Justices of any County Court within this Province, for the Relief therein prescribed; and have had the Oath therein mention'd administred to them.) And it shall and may be lawful to and for such Justices so applied to, and having administred the Oath within the Time aforesaid, notwithstanding this Act, to proceed to relieve and release any such distressed Prisoner, according to the Directions of the Act aforesaid, in the same manner as if this Act had never been made; any Thing herein contained to contrary, notwithstanding.

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An Act reviving and continuing an Act entituled, An Act for Regulating of Ordinaries.

1726 Chap. X [Wm Parks compilation, 1727, p. 293; continues 1717, ch. 1]

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above-mentioned Act for regulating of Ordinaries, made at a Session of Assembly begun and held at the City of Annapolis the Twenty Eighth Day of May, Anno Domini One Thousand Seven Hundred and Seventeen; is hereby revived and continued to be and remain in full Force, from the Twenty Ninth Day of September next, until the End of the next Session of Assembly that shall happen after the said Twenty Ninth Day of September, and no longer.

An Act for the further Encouragement of Tillage and Husbandry.

1726 Chap. XI [Wm Parks compilation, 1727, p. 294]

Whereas it is humbly represented to this present General Assembly, That sundry Families out of that Part of the Kingdom of Great-Britain, called Wales, would transport themselves and Servants into this Province, and settle on the Back-Lands, and follow Farming Business; but the great Charge that will attend in their Transportation, the Difficulty of procuring Land, and other Accidents incident to New-Comers are great Discouragements to such their Intention. For the better Encouragement therefore of the said Families to transport themselves and Servants, and settle in this Province, It is humbly prayed that it may be Enacted,

And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons shall hereafter transport themselves, their Families and Servants into this Prov-

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ince, out of that Part of the Kingdom of Great-Britain, called Wales, and settle within this Province; such Person or Persons, and their Servants, or any Slaves that they may or shall purchase at any Time within Ten Years hereafter mentioned, shall not be deemed, reputed or taken as Taxable Persons within this Province, but shall be exempt and exonerated from the Paying of any Levies for the Space of Ten Years from the Time of such Person or Persons and their Servants coming into this Province; any Law, Statute, Usage or Custom to the contrary thereof, in any wise, notwithstanding.

Provided always, And it is the true Intent and Meaning of this Act, That if any Person or Persons, and their Servants, so transporting themselves into this Province, or their Slaves, shall at any Time within the said Term of Ten Years after such their coming into and settling in this Province, plant or tend any Tobacco, such Person or Persons so planting and tending Tobacco, their Servants and Slaves shall from thenceforth be excluded and deprived of any the Benefits and Priviledges of this Act granted them, and shall from thenceforth be deemed and taken as Taxable Persons within this Province, and be chargeable to pay such Levies or Taxes as are or hereafter may be assessed on the Taxable Inhabitants within this Province; any thing herein before contained to the contrary thereof, in any wise, notwithstanding.

This Act to continue, from the Twenty Fifth Day of March, which shall be in the Year of our Lord Seventeen Hundred and Twenty Seven, until the Twenty Fifth Day of March, which shall be in the Year of our Lord Seventeen Hundred and Thirty Seven.

1726 Chap. VI [Wm Parks compilation, 1727, p. 295]

An Act for Dividing Part of St. John's Parish in Prince George's County; and for Erecting Part thereof into a new Parish.

Whereas it is represented to this present General Assembly, by the Parishioners of St. John's Parish aforesaid, That the said Parish is of too large Extent to be served by one Minister, the said Parish being about Four-score Miles in Length, and Twenty in Breadth, consisting of Thirteen Hundred and Thirty Six Taxables, the Forty per Poll whereof amounts to Fifty Three Thousand Four Hundred and Forty Pounds of Tobacco, besides Perquisites. And therefore the said Parishioners of St. John's Parish aforesaid, humbly prayed, that the said Parish might be divided in Manner following, viz. That Piscattaway and New-Scotland Hundreds, containing about Seven Hundred and Ninety One Taxables, which yield Thirty One Thousand Six Hundred and Forty Pounds of Tobacco per Annum, besides Perquisites, be hereafter reputed and taken as the full Extent of St. John's Parish aforesaid; and that Eastern-Branch, Rock-Creek and Pattowmack Hundreds, containing about Five Hundred and Forty Five Taxables, and yielding about Twenty One Thousand Eight Hundred Pounds of Tobacco per Annum, might be erected into a new Parish. Session Laws

And whereas the Reverend Mr. John Frazer, the present Incumbent of St. John's Parish aforesaid, having had due Notice hereof, and making no material Objections against the passing of an Act above pray'd: And forasmuch as the Prayer of the Petitioners aforesaid, is thought reasonable by this present General Assembly, to be granted as prayed,

Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Fourth Tuesday in November next ensuing, the said Three Hundreds, viz. Eastern-Branch, Rock-Creek and Pattowmack, from the Mouth of the Eastern-Branch to the Fork thereof, and so up with the North-East Branch that makes the said Fork, unto the Head thereof, thence continuing the Course of the said Branch by a straight Line 'till it strike Patuxent River, shall be taken from St. John's Parish aforesaid, in Prince George's County aforesaid, and be erected into a new Parish, and called by the Name of Prince George-Parish; and shall from and after the Time aforesaid, by Virtue of this Act, be deem'd, adjudg'd, reputed and taken for Prince George-Parish, and not as Part or Parcel of the said St. John's Parish aforesaid: And that the Boundaries aforesaid, shall always be deem'd, taken and reputed as the undoubted Boundaries, to divide the Parish aforesaid; and that the Inhabitants of the said Prince George-Parish, shall have and enjoy all Benefits and Priviledges, Power and Authorities, in every Respect, equal with any Inhabitants of any other Parish within this Province heretofore had or hereafter may have. And further, Giving to the several Freeholders of Prince George-Parish aforesaid, at a certain Day to be appointed by them, full and ample Power to elect and make Choice of the Number of Six select Vestry-Men, at least, and Two Church-Wardens; and also to build and found a Church therein; any Law, p. 296 Statute, Usage or Custom to the contrary, notwithstanding.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of Prince George's County, upon Application to them made by the Vestry of Prince George-Parish aforesaid, to cause to be levied in such manner as the Publick and County Levies are levied, upon the Taxable Persons in the said Parish, so much Tobacco as will enable the said Parish to build a Church; so that the said Sum so to be levied for that Use do not exceed the Sum of Twenty Thousand Pounds of Tobacco; any Law, Statute, Usage or Custom to the contrary thereof notwithstanding.

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